

Statement

Of

Mary L. Turner

DOTHON POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION

ORIGINAL

GARRITY NOTICE

I wish to advise you that you are being questioned as a part of an official investigation of the Dothan Police Department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all of the rights and privileges guaranteed by the laws and the Constitution of the State of Alabama and the Constitution of the United States, including the right not to be compelled to incriminate yourself. I further wish to advise you that if you refuse to testify or to answer questions related to your official duties or fitness for duty, you will be subject to disciplinary action, which could result in your dismissal from the City of Dothan. If you do answer, neither your statement nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding, except for Perjury or Obstruction of Justice charges. However, these statements may be used against you in relation to subsequent departmental charges.

MEMBERS SIGNATURE: Mark S. Turner

DATE/TIME: 4/26/05 @ 1:20 p.m.

INVESTIGATING OFFICER: Sgt. Frank L. Gray

DATE/TIME: 4-26-05 1:20 PM

WITNESS SIGNATURE: Sgt Gary S. Colam

DATE/TIME: 4-26-05 1:21 PM

PD 15 B

KG: THIS IS SGT. GRAY. THE DATE IS APRIL THE 26TH OF 2005. THE TIME IS 1:19 P.M. MRS. TURNER, BE ADVISED THAT THIS IS AN ADMINISTRATIVE INVESTIGATION IN NATURE. AH, THE NATURE OF THE ALLEGATIONS REGARDING THIS INVESTIGATION ARE AH TWO GENTLEMEN, ONE NAMED STEVEN PHELPS, THE OTHER ONE IS AH BRADLEY PHELPS. THEY BOTH RECEIVED TRAFFIC CITATIONS AH WITHIN THE CITY OF DOTHAN JURISDICTION. AH, AND I'LL GO OVER THE DATES OF THOSE CITATIONS AND AH THERE WERE ALLEGATIONS MADE BY MR. BRADLEY PHELPS OF POSSIBLE MISCONDUCT ON YOUR PART DEALING WITH A AH, HIS TRAFFIC CITATION AND AHM SOME WORK THAT HE CLAIMS THAT HE DID FOR YOU AH, AH, IN EXCHANGE FOR YOU TAKING CARE OF HIS TRAFFIC CITATION. OKAY, THAT'S JUST THE ALLEGATIONS IN REGARDS TO AH BRADLEY PHELPS. AND WE'RE GONNA QUESTION YOU ABOUT THAT. REFERENCE TO STEVEN ALLEN PHELPS AH HE RECEIVED A CITATION FROM CPL. DUHAIME AND THAT AH CITATION WAS VOIDED AFTER HE WAS SWORE TO BY MAGISTRATE MARY BETH AH BRACKIN, AND, OR MARY ELIZABETH BRACKIN, AND AH, AH, WE HAVE BEEN GIVEN SOME INFORMATION THAT AH YOU MAY HAVE HAD AH THIS TAKE, TICKET TAKEN CARE OF AND WE'RE GONNA ASK YOU QUESTIONS IN REGARDS TO THAT AS WELL. WHAT I HAVE BEFORE YOU IS A, AN INTERNAL AFFAIRS DIVISION GARRITY NOTICE. IF YOU WOULD, READ IT AND WHEN YOU UNDERSTAND, SIGN WHERE IT SAYS MEMBER SIGNATURE, PLEASE. PLEASE STATE YOUR FULL NAME.

MT: MARY LEON TURNER.

KG: OKAY. WHAT IS YOUR CURRENT ASSIGNMENT DEALING WITH THE JUDICIAL DEPARTMENT?

MT: MAGISTRATE.

KG: HOW LONG HAVE YOU BEEN EMPLOYED AS A MAGISTRATE WITH THE CITY OF DOTHAN?

MT: UM, 12 YEARS AND I GUESS 4 MONTHS.

KG: OKAY. I'M SGT. KEITH GRAY ASSIGNED TO THE INTERNAL AFFAIRS DIVISION. ALSO SGT. GARY COLEMAN ASSIGNED TO INTERNAL AFFAIRS DIVISION IS PRESENT, AH ALONG WITH YOUR ATTORNEY, MR. STEVE ETHEREDGE. FOR THE PURPOSE OF RECORDING, NO ONE ELSE IS PRESENT. AH, BE ADVISED THAT YOU ARE THE SUBJECT OF THIS INVESTIGATION AND I JUST GAVE YOU THE NATURE OF THE ALLEGATIONS THAT WE'RE GONNA COVER, AH, JUST A FEW MOMENTS AGO. AH, THE IDENTITY OF THE COMPLAINT AH REGARDING THE CITATION AH BRADLEY PHELPS, HIS ATTORNEY, HIS PARENTS, ALSO, AH, ARE COMPLAINING IN REGARDS TO, TO THAT CITATION. AH, WE WERE AH TOLD BY MRS. AH PHYLLIS PHELPS, THE, BRADLEY'S MOTHER, OF THE TICKET REGARDING AH STEVEN PHELPS. AH, SO THAT'S HOW WE CAME INTO, WAS NOTIFIED OF THAT CITATION AS WELL. ARE YOU UNDER THE INFLUENCE OF ALCOHOL OR DRUGS, INCLUDING PRESCRIPTION DRUGS?

MT: NO.

KG: ARE YOU CURRENTLY UNDER A DOCTOR'S CARE FOR ANY ILLNESS, DISEASE OR DISORDER?

MT: NO.

KG: OKAY. AT THE TIME THAT YOU WERE HIRED AS A MAGISTRATE AH WERE YOU AH, FIRST OF ALL DID YOU TAKE SOME TYPE OF OATH TO BECOME A MAGISTRATE?

MT: YES.

KG: OKAY. WHERE WAS THAT AT? WHAT PHYSICAL LOCATION DID YOU TAKE THAT OATH?

MT: AH, IT WAS HERE, I BELIEVE IT WAS RIGHT HERE IN THE POLICE DEPARTMENT.

KG: WHO GAVE YOU THAT OATH? DO YOU REMEMBER?
MT: JUDGE BROWN.

KG: OKAY. AH, AS, ALSO AH DURING THE COURSE OF BEING A MAGISTRATE, WERE YOU GIVEN ANY AH RULES, REGULATIONS OR POLICES THAT GOVERN AH YOUR JOB PERFORMANCE IN YOUR JOB DESCRIPTION?

MT: WELL, WE, WE'VE HAD DIFFERENT THINGS. I MEAN I GUESS YOU WOULD SAY IN THE FORM OF MEMOS, AND OF COURSE WE HAVE THE PERSONNEL RULES FOR THE CITY AND WE HAVE MEMOS FROM TIME TO TIME, BUT WE DO H', WE'VE BEEN UNDER DIFFERENT LEADERSHIP SO WE, THINGS HAVE JUST KINDA CHANGED, AND THERE'S A LOT OF THINGS THAT HAVE CHANGED YOU KNOW, THEY, NOT REALLY SPECIFICALLY IN WRITING, BUT WE JUST KINDA CHANGED THE WAY WE DO STUFF.

KG: OKAY.

MT: SINCE WHEN I STARTED HERE.

KG: OKAY. SO THE POLICIES AND PROCEDURES CHANGED. ALSO IS IT SAFE TO SAY EVEN THAT THE CHANGE OF THE ADMINISTRATION FROM JUDGE BROWN TO JUDGE GORDON AND, AND OVER THE YEARS?

MT: YEAH, I WOULD SAY THEY HAVE.

KG: OKAY. AH, HAVE AH, THERE'S A WHITE BOOK ABOUT THIS BIG, THAT'S A BINDER, THAT AH I RETRIEVED FROM THE MAGISTRATES' OFFICES. HAS MEMOS, POLICIES, AND THINGS OF THAT NATURE IN IT. DO YOU KNOW WHAT I'M TALKING ABOUT?

MT: NOT REALLY.

KG: NEVER SEEN IT?

MT: I DON'T KNOW. WE'VE, THE LAST COURT ADMINISTRATOR THAT WE HAD WE HAD A MEETING AND WE WERE TRYING TO, TO GET UP SOME SORT OF A BOOK SO THAT WE WOULD KNOW ALL THE PROCEDURES. BACK WHEN GAYLE WAS HERE WHICH WAS I GUESS, PROBABLY ABOUT 5 YEARS AGO, WE WERE WORKING ON THAT AND GETTING SOMETHING TOGETHER, BUT AS FAR AS US BEING GIVEN ANYTHING LIKE THAT, I DON'T, I DON'T THINK THAT WE HAVE. BUT LIKE I SAY NOW SOME DIFFERENT AH ADMINISTRATORS WE'VE HAD WE'VE BEEN GIVEN DIFFERENT THINGS.

KG: UM, HM. DID

MT: AND I KNOW WE WERE WORKING ON SOMETHING WITH NANCY BUT WE NEVER DID FINISH IT.

KG: THE, DID ANY OF THOSE THINGS HAVE TO DO WITH HOW YOU PERFORM YOUR DUTIES?

MT: HOW DO YOU MEAN?

KG: ANY OF THOSE AH ITEMS THAT YOU SAID THAT YOU HAVE RECEIVED FROM ADMINISTRATOR TO ADMINISTRATOR, DOES ANYTHING GOVERN HOW YOU PERFORM YOUR JOB? UPDATES?

MT: AH, YEAH I GUESS YOU WOULD SAY. WELL I MEAN IF YOU COULD BE SPECIFIC.

KG: AH, I'LL GIVE YOU AN EXAMPLE.

MT: OKAY.

KG: THAT MAY HELP YOU OUT. AH, AS A POLICE INVESTIGATOR AH, I HAVE BEEN UNDER DIFFERENT ADMINISTRATORS AS WELL, THREE TO FOUR DIFFERENT CHIEFS, AH THERE ARE PROCEDURES AH THAT WE, I INITIALLY LEARNED FROM THE ACADEMY. AS I CONTINUED EMPLOYMENT HERE, THERE POLICIES AND MEMOS AH THAT I RECEIVED AS PART OF AN UPDATE TO MY DUTIES AND HOW I PERFORM MY

JOB. SO AH THE DIFFERENT UPDATES AND THE POLICIES THAT ARE GOVERNED ME BY A NEW ADMINISTRATOR WHICH TELLS THE ENTIRE DEPARTMENT HOW TO WORK AH TOGETHER AH DEALING WITH THE SAME RULES AND THE UPDATED POLICIES.

MT: UM, HM.

KG: AS A MAGISTRATE YOU TOOK AN OATH AND YOU LEARNED HOW TO DO YOUR, YOUR DUTIES. AH, AS YOU CONTINUED ON THROUGHOUT YOUR TENURE HERE, HAS THERE BEEN ANY POLICIES, PROCEDURES THAT GOVERN HOW YOU DO YOUR JOB THAT YOU HAVE HAD TO CHANGE AND JUST UPGRADE AS YOU CONTINUED EMPLOY?

MT: YEAH, I FEEL LIKE THERE PRO', YEAH. I MEAN I'VE TRIED TO THINK OF SPECIFICALLY BUT I'D SAY THERE, WE'VE PROBABLY CHANGED HOW WE'VE DONE THINGS.

KG: OKAY. ARE YOU RESPONSIBLE FOR FOLLOWING THOSE POLICIES IF THEY WERE GIVEN TO YOU?

MT: YEAH.

GC: HAVE YOU EVER BEEN TRAINED BY THE ADMINISTRATIVE AH COURTS

MT: YES.

GC: AOC?

MT: UM, HM.

GC: AND DID YOU HAVE TO TAKE A COURSE FROM THEM?

MT: YES. WE ALL DO.

GC: OKAY. AND DID YOU RECEIVE ANY KIND OF CERTIFICATION FROM THAT?

MT: YES.

GC: ALL RIGHT.

MT: WE ALL HAVE TO DO IT FOR LIKE THREE YEARS AND THEN WE GET CERTIFIED AND WE GO EVERY YEAR TO GET UPDATES AND RECERTIFIED I GUESS IS WHAT YOU WOULD SAY.

KG: ARE YOU RECERTIFIED ANNUAL?

MT: YES.

KG: OKAY. DURING THAT RECERTIFICATION THEY GO OVER PROCEDURES AH THAT YOU ALSO HAVE TO UTILIZE AS A MAGISTRATE.

MT: RIGHT.

KG: AOC AH, DO THEY GOVERN HOW YOU PERFORM YOUR JOB AS A MAGISTRATE?

MT: WELL THEY GIVE US GUIDELINES TO GO BY, BUT I MEAN THE ULTIMATE PERSON THAT WE WOULD GO BY WOULD BE OF COURSE THE JUDGE, AND THEN THE COURT ADMINISTRATOR. BUT THE JUDGE CAUSE SHE'S OUR DEPARTMENT HEAD.

KG: UMKAY. AH, WHEN YOU TOOK THAT OATH AH WHAT DID THAT OATH ENTAIL THAT YOU WERE SUPPOSED TO DO AS YOUR, AS, IN THAT POSITION OFFICIALLY AS A MAGISTRATE?

MT: I REALLY DON'T REMEMBER EXACTLY WHAT IT SAID.

KG: OKAY.

MT: I MEAN THAT WAS A LONG TIME AGO.

KG: OKAY.

MT: I MEAN I'M SURE, I DON'T, I DON'T KNOW, I COULDN'T BEGIN TO SAY. I DON'T REMEMBER.

KG: OKAY. GIVE ME AN OVERVIEW OF YOUR DUTIES AS A MAGISTRATE.

MT: AS A MAGISTRATE AH, I DETERMINE PROBABLE CAUSE, AH WHEN OFFICERS OR CITIZENS OF THE PUBLIC COME IN WANTING WARRANTS AND I DETERMINE PROBABLE CAUSE AND, BASED ON MY KNOWLEDGE AND WHETHER OR NOT WARRANTS OR SUMMONS ARE ISSUED. WE AH HANDLE ALL THE MUNICIPAL COURT PAPERWORK AND ASSIST THE PUBLIC, ATTORNEYS, POLICE OFFICERS, THE JUDGE, YOU KNOW ANY WAY THAT, THAT WE'RE SUPPOSED TO.

KG: WHEN A COMPLAINT COMES IN FROM A CITIZEN OR AN OFFICER AH DO YOU HAVE TO DETERMINE WHETHER THERE'S PROBABLE CAUSE TO BELIEVE THAT THAT PARTICULAR COMPLAINT OCCURRED AND IF IT IS A VIOLATION OF STATE LAW? OR, OR MUNICIPAL ORDINANCE, CORRECT?

MT: RIGHT.

KG: AH, ONCE THE PLAINT', COMPLAINT COMES IN AND A PERSON AH APPROACHES YOU WITH A COMPLAINT WHAT IS THE NORMAL PROCESS THAT YOU DO THERE?

MT: WELL I WOULD AH TAKE THEIR STATEMENT AND USUALLY I MEAN OF COURSE WE, YOU KNOW, WE PUT 'EM UNDER OATH, AND THEY TELL US THE FACTS AND IF IT YOU KNOW IS ACCORDANCE WITH THE LAW AND IT APPEARS THAT SOMEONE HAS VIOLATED THE LAW THEN WE CAN ISSUE A WARRANT ON THEM.

KG: WHEN YOU PLACE SOMEBODY UNDER OATH, WHAT EXACTLY DO YOU SAY?

MT: AH, DO YOU SWEAR, OR DO YOU SWEAR THAT THE STATEMENT YOU'RE GIVING IS THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP YOU GOD?

KG: OKAY. DOES THAT STATEMENT HAVE A TITLE? IS THAT CALLED ANYTHING?

MT: I JUST SAY, I NEED TO PLACE YOU UNDER OATH.

KG: OKAY. AH, DO YOU KNOW WHAT AN OATH OF AFFIRMATION IS?

MT: UM, I'M NOT SURE.

KG: OKAY. ONCE YOU PLACE THAT PERSON UNDER OATH, WHAT DOES THAT SIGNIFY TO YOU?

MT: THAT THEY'RE TO TELL ME THE TRUTH.

KG: UMKAY. AH, AND ONCE THEY ARE UNDER OATH AND THEY TELL YOU WHAT AHM OCCURS, AH DO YOU AH DETERMINE IF IN FACT A LAW HAS BEEN BROKEN TO YOUR KNOWLEDGE?

MT: YES.

KG: OKAY. AFTER YOU HAVE DETERMINED THAT THE LAW HAS BEEN BROKEN, WHAT DO YOU DO AFTER THAT?

MT: THEN I WOULD FILL OUT A COMPLAINT AND THEN I WOULD READ THAT COMPLAINT BACK TO THE PERSON AND IF THEY SAY YES, THAT'S CORRECT, AND OF COURSE I WOULD REMIND THEM THEY'RE STILL UNDER OATH, AND IF THEY AGREE WITH WHAT I'VE WRITTEN, THEN THEY WOULD SIGN IT AND I WOULD SIGN IT.

KG: UMKAY. AH, IN THE CASE OF A TRAFFIC CITATION. WHEN AN OFFICER COMES IN, DOES HE HAVE TO RAISE HIS HAND AND SWEAR TO AN OATH?

MT: WE DON'T ALWAYS DO THAT.

KG: DOES THE AOC SAY THAT AS A MAGISTRATE YOU DON'T HAVE TO ALWAYS SWEAR TO A TICKET WHEN THE OFFICER BRINGS THAT IN, WHICH IS A FORMAL COMPLAINT, RIGHT? THE TICKET IS A COMPLAINT?

MT: I'M NOT SURE. I MEAN OFFICIALLY AH, ARE YOU TELLING ME EVERY TIME YOU'VE SWORN TO A TICKET YOU'VE ALWAYS HAD TO RAISE YOUR HAND AND BE

PUT UNDER OATH?

KG: WHAT MY QUESTION, WHAT MY QUESTION IS
MT: THEY, I'M SAYING, IT'S A, IT'S A FORMALITY, WE DON'T ALWAYS DO THAT, SAY DO YOU SWEAR THIS IS THE TRUTH, THE WHOLE TRUTH TO THE POLICE, YOU KNOW, USUALLY WE'LL SAY DO YOU SWEAR THIS IS THE TRUTH, AND THEY SAY I DO OR WHATEVER COMMENT THEY WANTS MAKE.

KG: OKAY. AH, WHAT DIRECTIONS HAVE YOU BEEN GIVEN WH', WHETHER YOU SHOULD DO THAT AS PART OF YOUR DUTIES OR NOT? HAVE YOU BEEN TOLD THAT IT'S OKAY NOT TO DO IT? OR HAVE YOU BEEN TOLD TO DO IT? WHAT, WHAT DIRECTION HAVE YOU BEEN ADVISED?

MT: JUST WHAT I WAS TOLD ORIGINALLY WHEN I BECAME A MAGISTRATE AND OF COURSE GAYLE WAS A REAL STICKLER AND WENT BY THE BOOK WITH EVERYTHING AND I MEAN, YOU KNOW SHE WOULD TELL US TO DO THAT. BUT THINGS HAVE GOTTEN A LITTLE BIT MORE LAX THROUGH THE YEARS, AND WE DON'T ALL DO THAT.

KG: OKAY. WHO DIRECTED YOU THAT YOU DIDN'T HAVE TO DO THAT?
MT: NO ONE DIRECTED ME.

KG: OKAY. WHEN A CITIZEN COMES IN OFF OF THE STREET AND HYPOTHETICALLY AND HAS A COMPLAINT, DO YOU ASK THEM TO RAISE THEIR RIGHT HAND AND AND DO YOU SWEAR THEM AT THAT TIME?

MT: YES.

KG: OKAY. AH, ALL OF THEM, OR JUST SOME OF THEM?
MT: ALL OF 'EM.

KG: UMKAY. AND WHEN YOU'RE SWEARING TO THEM, YOU'RE SWEARING THAT, THAT PARTICULAR SITUATION THAT THEY ARE TELLING YOU ABOUT WAS TRUE AND CORRECT TO THE BEST OF THEIR KNOWLEDGE?

MT: UM, HM.

KG: WHEN AN OFFICER COMES IN AND PRESENTS YOU WITH A TICKET, AH IS THE TICKET CONSIDERED A COMPLAINT?

MT: YES.

KG: AH, IN SWEARING THE OFFICER, ARE YOU STATING THAT YOU DON'T ALWAYS HAVE THEM TO RAISE THEIR HAND AND, WHILE YOU'RE SWEARING THAT OATH?
MT: HONESTLY I, NO, I DON'T ALWAYS DO THAT.

KG: DO YOU ALWAYS SWEAR THE OATH TO THEM?
MT: YES.

KG: UMKAY. SO YOU DO GIVE THEM THE OATH REGARDLESS WHETHER THEY HOLD THEIR HAND UP OR NOT?

MT: RIGHT.

KG: UMKAY. AH, AND ONCE THE OFFICER DOES TAKE THE OATH AND HE SAYS YES, I SWEAR THAT THIS IS CORRECT, AH, REGARDING A TICKET, WHAT IS YOUR PROCEDURE FOR ASKING THEM THE, THE PERTINENT INFORMATION ABOUT THE, THE TICKET, JUST IN GENERAL. I KNOW THERE'S SEVERAL DIFFERENT TR' VIOLATIONS, BUT WHAT DO YOU USUALLY HAVE THE OFFICER TO TESTIFY TO YOU THAT, TO PROVE THAT THIS CITATION, THE INFORMATION WAS TRUE AND CORRECT?

MT: WELL I DON'T INTERROGATE THEM ABOUT EVERY TICKET, YOU KNOW, WHY THEY

STOPPED 'EM AND ALL THAT KIND OF STUFF. IN FACT YOU KNOW IF WE ASK A WHOLE LOT, A LOT OF 'EM WILL GIVE US GRIEF. SOME DON'T EVEN WANTA YOU KNOW STAY THERE AND TELL YOU. THEY'LL SAY HERE, YEAH, IT'S TRUE AND I'LL ALWAYS SAY, NO, WAIT JUST A MINUTE, BECAUSE SOMETIMES THEY'LL FORGET TO SIGN OR MAYBE THEY DON'T PUT THE NAME OR SOMETHING.

KG: OKAY. LET'S, LET'S NARROW IT DOWN AND SPECIFICALLY ANSWER THE QUESTION AND I'LL TELL YOU, I, I'LL TELL YOU WHAT, AND I KNOW IT'S REAL EASY TO TO GIVE GENERALITIES.

MT: UM, HM.

KG: FOR THE PURPOSES RIGHT NOW I WANTA TALK ABOUT WHAT YOU DO.

MT: OKAY.

KG: SPECIFICALLY, WHAT, WHAT YOU DO AND NOT WHAT OTHER MAGISTRATES OR WE COLLECTIVELY, THIS IS THE WAY. I WANTA TALK ABOUT WHAT YOU DO.

MT: OKAY.

KG: BACK TO THAT SAME QUESTION, REGARDING THE TICKETS THAT YOU RECEIVE FROM AN OFFICER AFTER THEY RAISE THEIR HAND OR THEY DON'T RAISE THEIR HAND AND, BUT YOU DO SWEAR THEM, WHAT DO YOU AHM ASK THEM TO PROVIDE TO YOU IN THE FORM OF TESTIMONY AS TO WHAT THE VIOLATION WAS THAT THEY'RE SWEARING ON A COMPLAINT?

MT: NORMALLY, WHAT I'LL DO IS I WOULD JUST, YOU KNOW I'D LIKE READ THE DATE, ON APRIL 25TH, JOHN DOE WAS SPEEDING AND THEN YOU KNOW JUST READ THROUGH ALL THE TICKETS AND THEY'LL SAY THAT'S CORRECT.

KG: DO YOU, ARE YOU REQUIRED TO ASK 'EM WHAT JURISDICTION IT OCCURRED IN?

MT: I DON'T BELIEVE SO.

KG: OKAY. SO YOU JUST ASSUME THAT IT HAPPENED IN ALABAMA OR THE CITY LIMITS OF WHERE YOU HAVE, WE HAVE JURISDICTION OR DO YOU, DO YOU EVEN ASK THEM WHERE IT OCCURRED AT OR IF IT OCCURRED WITHIN THEIR POLICE JURISDICTION?

MT: I KNOW SOMETIMES I WILL SAY, THEN I'LL SAY ON THE STREETS OF DOTHAN, PUBLIC STREETS OF DOTHAN, AND THEY'LL SAY Y', I MAY NOT ALWAYS GO ALL THROUGH

KG: RIGHT.

MT: THAT WHEN I'M ASKING 'EM.

KG: RIGHT.

MT: SOMETIMES I DO. SOMETIMES I DON'T. IT JUST DEPENDS UPON HOW A BIG A HURRY THEY ARE.

KG: OKAY.

MT: CAUSE SOMETIMES THEY JUST WANTA, THEY GOTTA TURN 'EM IN AND GO ON A CALL OR SOMETHING.

KG: OKAY. I UNDERSTAND. AH, ONCE THE OFFICER DOES AH GIVE YOU THE INFORMATION REGARDING WHAT OCCURRED AND, AND, AND THEY DID WITNESS IT, AH, WHAT IS DONE WITH THE CITATION?

MT: AH, I WOULD SIGN OFF ON 'EM AND GIVE THE OFFICER A COPY OF HIS TRANSMITTAL AND THEN GIVE THE TICKETS TO WHOEVER'S ENTERING THE TICKETS.

KG: ONCE YOU SWEAR THAT OFFICER IN TO THOSE TICKETS ON THERE, IS IT YOUR RESPONSIBILITY TO INSURE THAT YOU'RE RECEIVING THE TICKETS THAT SIGNED ON THE TRANSMITTAL?

MT: YES.

KG: UMKAY, AND IN FACT THERE'S A PLACE AT THE BOTTOM OF THE TRANSMITTAL THAT STATES THE ABOVE LISTED TRAFFIC TICKETS ARE RECEIVED FOR COURT ACTION.

MT: YES.

KG: IS THAT, AH, ONCE THAT CITATION IS ACCEPTED BY YOU AND SWEARS TO DOES THE OFFICER HAVE THE DISCRETION AT THAT TIME TO REMOVE THAT TICKET FROM THE PROCESS THAT IT WOULD NORMALLY UNDERGO?

MT: AH, NORMALLY I WOULD SAY YOU KNOW LIKE IF YOU SWEARS TO A TICKET TO ME RIGHT NOW..

KG: UM HM

MT: ..AND THEN I THINK I'VE HAD 'EM GIVE ME SOMETHING AND THEY'D SAY OH WAIT A MINUTE, NO THAT ONE I'M NOT SUPPOSED TO DO THAT ONE. HERE LET ME VOID THAT. AND SO I MEAN IT'S POSSIBLE TO TAKE ONE BUT AS LONG AS I'VE NOT SIGNED OFF ON IT YET, THEN THAT'S, I'VE NEVER KNOWN OF THERE TO BE ANY PROBLEM WITH THAT.

KG: OKAY. THE QUESTION WAS AFTER THE OFFICER SWEARS TO YOU REGARDING THE CITATION DOES THAT OFFICER HAVE THE DISCRETION TO STOP THAT TICKET FROM GOING THROUGH ITS NORMAL JUDICIAL PROCESS?

MT: WELL, LIKE I SAID I MEAN YEAH I WOULD THINK IT WOULD BE UP TO THEIR DISCRETION. IF I'VE NOT SIGNED OFF ON THE TICKET, THAT'S MY UNDERSTANDING.

KG: UMKAY.

MT: BUT ONCE IT'S SIGNED BY A MAGISTRATE, WELL THAT'S WHAT I'M SAYING, THAT'S MY UNDERSTANDING SO THAT'S THE WAY

KG: UMKAY.

MT: YOU KNOW THAT'S ALL I CAN SAY.

KG: LET ME REPEAT THE QUESTION BUT CHANGE IT AROUND FOR YOU, OKAY, BUT CHANGE IT AROUND FOR YOU.

MT: OKAY.

KG: OKAY, BECAUSE YOU'RE ANSWERING SOMETHING ELSE THAT I'M NOT ASKING. OKAY? WHEN THE OFFICER BRINGS YOU HIS TICKETS, HE GIVES YOU THE TRANSMITTAL FORM. I SWEAR TO YOU THAT ALL OF THESE TICKETS ARE VIOLATIONS, THEY'RE COMPLAINTS AND THEY DID HAPPEN WITHIN MY, THE POLICE JURISDICTION THEREOF. YOU TAKE THE TICKETS AND YOU SIGN OFF ON THE TRANSMITTAL. AFTER I HAVE SWORN MY OATH OF AFFIRMATION TO YOU,

MT: UM, HM.

KG: DO I NOW, AND YOU HAVE THEM IN YOUR POSSESSION, YOU'VE SIGNED ON THE BOTTOM OF THE COPY OF THE TRANSMITTAL, DO I HAVE THE ABILITY TO TAKE THAT CITATION BACK TO KEEP IT FROM GOING THROUGH A NORMAL COURT PROCESS?

MT: IF YOU GAVE ME A TICKET AND WE HAD BEEN THROUGH THE PROCEDURE, AND THEN YOU WANTED IT BACK, I WOULDN'T TELL YOU NO.

KG: OKAY.

GC: WOULD YOU ACCEPT THAT SAME TRANSMITTAL FORM?

MT: I WOULD TELL 'EM BE SURE YOU WRITE VOID ON THERE. CAUSE I MEAN I KNOW THEY, THEY'RE SUPPOSED TO BE ACCOUNTED FOR, SO I WOULD SAY YOU JUST BE SURE YOU WRITE VOID.

GC: WHEN YOU SAY ACCOUNTED FOR, WHO WOULD BE THE ONE THAT WOULD, WHO WOULD DO THE ACCOUNTING ON THAT?

MT: WELL I KNOW THAT THEY HAVE TO TURN 'EM IN. I DON'T KNOW EXACTLY WHO DOES IT OVER HERE, BUT IT'S MY UNDERSTANDING THAT THEY HAVE TO TURN THE TICKETS IN TO SOMEBODY OVER HERE AND THAT HAS CHANGED OVER THE YEARS AND I WOULD TELL 'EM ALSO THAT THEY NEED TO MAKE A COPY TO GIVE US AND THEN THEY NEED TO TURN THE REST OF THE STUFF IN TO Y'ALL, WHOEVER IT IS THAT TAKES THE TICKETS. CAUSE A LOT OF 'EM DON'T EVEN KNOW THAT.

KG: AT WHAT POINT DOES THE COMPLAINT AFTER BEING SAWN BECOME A COURT DOCUMENT?

MT: WHEN, WELL I WOULD SAY WHEN THE MAGISTRATE SIGNS IT.

KG: DOES THE MAGISTRATE HAVE THE AUTHORITY AFTER SHE SWARE THE COMPLAINT THAT WAS IT WAS TRUE AND CORRECT, AH IT WAS AN ACCURATE COMPLAINT, DOES THE MAGISTRATE HAVE THE AUTHORITY TO AH DISPOSE OF THE CITATIONS?

MT: NO.

KG: AH, DO YOU KNOW OF ANY MAGISTRATE AFTER THE AH COMPLAINT WAS SAWN TO, THAT HAS ASKED AN OFFICER OR THE COMPLAINANT NOT TO GO FORWARD WITH THE CHARGES? I CAN REPEAT THAT IF YOU

MT: YEAH, SAY IT AGAIN.

KG: DOES, DO YOU KNOW OF ANY MAGISTRATE THAT AFTER SWEARING THE OATH TO THE COMPLAINANT, WHETHER IT'S A TICKET OR ANY OTHER COMPLAINT WHICH IS VIOLATION OF LAW, DO YOU KNOW OF ANY MAGISTRATE THAT HAS ASKED THE COMPLAINANT, BE IT THE OFFICER OR A CITIZEN OFF THE STREET, TO NOT FOLLOW THROUGH WITH THE PROCESS, TO VOID THE PROCESS, TO, TO STOP THE PROCESS?

MT: ARE YOU TALKING ABOUT THE MAGISTRATE THAT WAS SAWN TO?

KG: UM, HM.

MT: OR, A MAGIS', LIKE IF SOMEBODY SAWN TO ME AND WE SAWN TO, WELL I MEAN I WOULDN'T, I'M NOT GONNA SAWN TO IT AND THEN TURN AROUND AND ASK 'EM TO DO AWAY WITH IT.

KG: RIGHT.

MT: NO.

KG: OKAY. AH, IN REGARDS TO AH SPECIFICALLY THE STEVEN PHELPS CITATION WHICH WAS ISSUED ON NOVEMBER 24TH, 2002, CITATION # M5533359, WOULD YOU TAKE A LOOK AT THAT AND TELL ME IF YOU'VE EVER SEEN THAT TICKET BEFORE?

MT: I BELIEVE I HAVE.

KG: OKAY. IS THAT, YOU'RE NOT 100% SURE, OR YES YOU ARE SURE?

MT: YES, I'VE SEEN IT.

KG: OKAY. AH, WHEN WAS THE FIRST TIME THAT YOU, YOU SAW THAT TICKET OR HAD ANYTHING TO DO WITH IT?

MT: IT WOULD'VE BEEN, I DON'T KNOW EXACTLY WHAT DAY, BUT IT WOULD'VE BEEN PROBABLY SHORTLY AFTER HE GOT THE TICKET. AND WELL, AFTER I TALKED TO

THE OFFICER ABOUT IT AND HE SAID THAT HE, HE WOULD VOID THE TICKET. HE SAID JUST, TOLD ME TO BE SURE AND GET THE DEFENDANT'S COPY. SO, THAT'S WHEN I TALKED TO HIM, AND OF COURSE HE, I DON'T KNOW IF HE CALLED ME. HE WORKED, HIS BROTHER WORKED FOR MY HUSBAND AND HE SOMETIMES WOULD WORK FOR HIM. BUT MY HUSBAND KNEW BOTH OF 'EM, AND THAT'S WHY HE CALLED ME, MY HUSBAND CALLED ME WHEN HE GOT THIS TICKET. CAN'T YOU DO ANYTHING? CAN'T YOU HELP HIM OUT? AND I'M LIKE NO, ALL I CAN DO IS JUST ASK THE OFFICER IF, IF HE HAS ANY PROBLEM WITH VOIDING IT. WHICH IS A VERY COMMON PRACTICE. I KNOW OTHER MAGISTRATES DO IT, POLICE OFFICERS DO IT. IT'S BEEN DONE AS LONG AS I'VE BEEN HERE.

KG: WHO SPECIFICALLY HAS DONE THAT? AFTER, AFTER IT'S BEEN SPOKEN TO? AFTER A COMPLAINT'S BEEN SWORN TO, WHO HAS SPECIFICALLY THAT YOU CAN REMEMBER, ASKED THAT A COMPLAINT BE TAKEN OUT OF THE NORMAL JUDICIAL PROCESS?

MT: WELL I DON'T REALLY KNOW UNLESS YOU'RE GETTING AT ME

KG: NO, THAT

MT: AND ALL I CAN TELL YOU IS BASICALLY WHAT I REMEMBER.

KG: OKAY.

MT: AFTER OFFICER ETRESS GAVE ME THIS.

KG: OKAY. AHM, WHAT I'M LOOKING AT IS YOU KNOW WHEN YOU SAID WELL IT'S NORMAL PRACTICE. WELL IF IT'S A NORMAL PRACTICE AFTER THE OATH HAS BEEN GIVEN, WHICH JUST EARLIER YOU SAID THAT ONCE A, ONCE THE OATH IS GIVEN, AH, THAT IS A COURT DOCUMENT. AND NO ONE

MT: I SAID AFTER THE MAGISTRATE SIGNS IT, WHICH NORMALLY HAPPENS SHORTLY THEREAFTER.

KG: OKAY. LET ME ASK YOU A QUESTION, AND THIS IS YOUR OPINION. ON A TRANSMITTAL WHEN THE MAGISTRATE SWEARS TO THE OFFICER AND THE MAGISTRATE SIGNS THE TRANSMITTAL ARE YOU SAYING THAT IS NOT, THAT MEANS THAT THIS, THIS CHARGE RIGHT HERE IS NOT A COURT DOCUMENT UNTIL IT, THE MAGISTRATE SIGNS ON THE 'T', THE COMPLAINT ITSELF? IS THAT WHAT YOU'RE SAYING?

MT: YOU KNOW I DON'T KNOW. THAT'S A TECHNICALITY, I GUESS, THAT YOU'RE GETTING AT THERE. I MEAN THIS WAS JUST A SIMPLE MATTER, LIKE I SAY MY HUSBAND ASKED ME TO TALK TO THE OFFICER.

KG: UM, HM.

MT: AND SO I'D KIND OF JUST BEEN ON THE LOOK OUT. I WASN'T MAKING ANY SPECIAL POINT OF IT BECAUSE IT DIDN'T MEAN A THING IN HE WORLD TO ME. BUT THE PEOPLE WORK FOR MY HUSBAND, THEY WERE KIND OF POOR FOLKS. THEY REALLY COULDN'T AFFORD TO BE PAYING A TICKET, SO I SAID I'LL ASK THE OFFICER. I COULDN'T'VE CARED LESS IF HE WOULD DO IT OR NOT, BUT I KNEW AH HE TOLD ME WHO IT WAS, HE GAVE ME THE OFFICER I.D. SO I WAS JUST KIND OF ON THE LOOK OUT FOR DUHAIME.

KG: RIGHT.

MT: HE HA', I HAPPENED TO SEE HIM THE DAY THAT HE CAME IN AND I ASKED HIM ABOUT IT. I SAID AH, HAVE YOU GOT A TICKET YOU KNOW ON A PHELPS? AND HE SAYS YEAH I JUST TURNED 'EM IN TO MARY BETH, AND THEN, YOU KNOW I DON'T REMEMBER EXACTLY WHAT I SAID TO HIM, BUT I ASKED, YOU KNOW SOMETHING ABOUT IF HE HAD ANY PROBLEM WITH DOING, DOING, OF VOIDING IT.

KG: OKAY, I UNDERSTAND.

MT: LIKE I SAY I DON'T KNOW EXACTLY WHAT I SAID.

KG: I UNDERSTAND.

MT: AND HE SAID, I DON'T CARE. HE SAID WELL I JUST PROBABLY, I'M JUST ASSUMING BUT AS BEST I REMEMBER, WELL I SAY I'M ASSUMING, BUT I, I KIND OF REMEMBER AFTER I'VE THOUGHT ABOUT THIS, AFTER ETRESS ASKED ME ABOUT IT AND AH I ASKED HIM IF HE HAD A PROBLEM. HE SAID NO. HE SAID I JUST GAVE IT TO MARY BETH. SO, HE SAID HE HAD NO PROBLEM WITH IT. JUST VOID IT. HE SAID JUST, BUT I DO REMEMBER HIM TELLING ME JUST BE SURE YOU GET THE DEFENDANT'S COPY BACK.

KG: UMKAY.

MT: AND SO WHEN I, EVER I TALKED TO STEVEN I TOLD HIM I NEEDED TO GET THAT BACK AND SO I GAVE IT TO HIM.

KG: OKAY. WHAT I'M TRYING TO DO AND I'M, I'M TRYING TO JUST UNDERSTAND FROM YOUR POINT OF VIEW, AH, WHEN A COMPLAINT BECOMES A COURT DOCUMENT AND WHEN A PERSON HAS THE ABILITY TO AH, AH RELEASE THAT COMPLAINT BY VOIDING OR WHAT HAVE YOU. AND YOU JUST KIND OF CHIMED IN ON SOMETHING AND I WANTED TO, TO ASK YOU ABOUT IT BECAUSE I'M, WANT TO MAKE SURE I UNDERSTAND WHAT YOU UNDERSTAND. AND YOU STATED THAT BECAUSE THE CITATION WASN'T SIGNED YOU FELT, AND, AND I'M NOT TRYING TO PUT WORDS IN YOUR MOUTH, BUT YOU MENTIONED WHEN THE CITATION WASN'T SIGNED BY A MAGISTRATE BUT I WANT TO UNDERSTAND WHEN THE TRANSMITTAL IS SIGNED BY THE MAGISTRATE AND THE OFFICER SWEARS THEIR OATH THAT THIS IS WHAT HAPPENED AND HE TURNS THE CITATIONS OVER TO THE MAGISTRATE. I'M JUST TRYING TO UNDERSTAND WHAT YOU'RE SAYING. ARE YOU SAYING THAT, AND LIKE I SAID CLARIFY IT FOR ME. IT BECOMES A COURT DOCUMENT AND NO ONE CAN INTERRUPT THAT PROCEDURE ONCE THE TRANSMITTAL IS SIGNED OR ONCE THE CITATION IS SIGNED? AS A MAGISTRATE WHICH ONE IS YOUR ANSWER? WHICH ONE DO YOU BELIEVE?

MT: WELL IT'S, IT'S NOT REALLY THAT CLEAR. BECAUSE I'M SAYING WE WERE ALL THERE AND IT'S, IT'S TOTALLY UP TO THE OFFICER TO DO WHATEVER HE SEES FIT AND I KNOW, I MEAN I DIDN'T CARE. IN FACT I REALLY RESENTED MY HUSBAND ASKING ME THIS, BUT HE KEPT ASKING ME AND SO I SAID OKAY, I'LL ASK HIM. AND THAT'S WHAT I DID. AND WE'RE ALL STILL THERE SO YOU KNOW WE DIDN'T THINK ABOUT ALL THIS YOU KNOW IS THIS AN OFFICIAL COURT DOCUMENT OR NOT AND WE CAN'T DO THIS NOW? THE OFFICER WAS THERE, THE OFFICER HAD NO PROBLEM WITH IT AT ALL. IF, IT WAS NO BIG DEAL.

KG: UMKAY.

GC: WHAT HA', WHAT HAPPENS WITH THAT TRANSMITTAL FORM ONCE IT'S SIGNED BY A MAGISTRATE?

MT: IT'S FILED.

GC: AND DO YOU EVER HAVE TO PRODUCE 'EM FOR ANY PURPOSE?

MT: I GUESS IF PEOPLE, WELL INSTANCES LIKE THIS WHERE PEOPLE HAVE TO GO AND LOOK SOMETHING UP. I KNOW WAY BACK WHEN I STARTED THEY USED TO KEEP UP WITH ALL THE TICKETS BY OFFICERS AND SOMEBODY HAD TO CHECK EVERY SINGLE ONE OF 'EM, BUT I DON'T THINK ANYBODY'S DONE THAT FOR YEARS.

GC: OKAY, SO, AND WHERE WOULD THAT DOCUMENT BE HOUSED?

MT: YOU TALKING ABOUT THE TRANSMITTAL?

GC: UM, HM.

MT: OUR COPIES.

GC: UM, HM.

MT: SOMEWHERE IN OUR OFFICE.

GC: OKAY. WOULD YOU BE A, IT WOULD BE UNDER THE CONTROL OF THE COURT SYSTEM, IS THAT RIGHT?

MT: AH, YEAH. THE CLERKS WOULD FILE IT SOMEWHERE.

KG: AH, FOR MY COMPREHENSION AND, AM I UNDERSTANDING THAT YOU, YOU'RE SAYING WHENEVER, YOU DON'T REALLY KNOW WHEN THE, THE, THE COMPLAINT IS A COURT DOCUMENT?

MT: NO.

KG: UMKAY. HAVE YOU BEEN TAUGHT IN ANY RULES, REGULATIONS, POLICIES BY AOC WHEN A MAGISTRATE, WHEN THAT A COMPLAINT IS TO BE A COURT DOCUMENT?

MT: I CAN'T REALLY SAY.

KG: WHAT YOU MEAN IS YOU DON'T UNDERSTAND OR I MEAN YOU DON'T REMEMBER

MT: I DON'T, I DON'T REMEMBER.

KG: OKAY. AH, DO YOU SPECIFICALLY, LET ME ASK THIS QUESTION FIRST. AH, BY NATURE OF BEING A MAGISTRATE ONCE YOU GIVE THAT OATH, AH SWEAR TO A TICKET AND, AND THE TICKET HAS AH BEEN ACCEPTED BY THE MAGISTRATE DO YOU HAVE THE AUTHORITY TO AH INTERRUPT THE NORMAL JUDICIAL PROCESS OF THAT TICKET, OF THAT COMPLAINT?

MT: NO.

KG: AH, AND YOU SAID THAT AH IT'S AN ACCEPTED PRACTICE OR EVERY DOES IT AFTER IT'S BEEN SWORN TO, CAN YOU AH TELL ME SPECIFICALLY AH OTHER THAN THIS RIGHT HERE AH THE NAME OF ANY OTHER EMPLOYEE THAT HAS TAKEN CARE OF OR VOIDED OR STOPPED THE NORMAL JUDICIAL ACTION OF A COMPLAINT ONCE IT'S BEEN SWORN TO BY A MAGISTRATE?

MT: I, THAT'S NOT REALLY PART OF THIS INVESTIGATION. I'D REALLY RATHER NOT SAY ANY OTHER NAMES AT THIS POINT.

KG: OKAY. I'M GONNA ASK YOU TO PLEASE ANSWER THE QUESTION. IF YOU DON'T AH, YOU'RE GONNA BE SUBJECT TO DISCIPLINARY ACTION UP AND INCLUDING TERMINATION.

MT: WHAT, SO, WHAT EXACTLY WAS THE QUESTION?

KG: THE QUESTION WAS YOU, YOU TOLD ME THAT IT'S JUST A COMMON PRACTICE THAT MAGISTRATES HAVE AH TAKEN CARE OR VOIDED COMPLAINTS AFTER IT'S BEEN SWORN TO. YOU SAID IT WAS

MT: NO, THAT,

KG: YES, YES YOU DID. THAT'S THE ONLY REASON I WROTE IT DOWN AND I'M REPEATING IT BECAUSE YOU SAID OH EVERYBODY DOES IT. AND AHM, AFTER IT'S BEEN SWORN TO AND I WANT TO KNOW AHM SPECIFICALLY IF IT'S A COMMON PRACTICE I'D LIKE TO KNOW THE NAMES OF EVERYBODY THAT

MT: NO.

KG: HAS ACTUALLY SWEORE

MT: NOT

KG: TAKEN CARE OF

MT: WHAT I SAID WAS

KG: SOMETHING

MT: WAS NOT THAT, THAT IS A COMMON PRACTICE. WHAT I SAID IS A COMMON PRACTICE IS PEOPLE WILL GET A TICKET AND ANYONE KNOWS, NOW MAYBE THAT, MAYBE IT'S AGAINST SOME KIND OF POLICY. I'VE NEVER SEEN ANY POLICY OR ANYTHING BUT I KNOW THAT IF EVERYBODY, IT'S JUST KIND OF KNOWN, UNDERSTOOD IF YOU CAN GET TO THE OFFICER BEFORE HE TURNS THE TICKET IN THEN AND HE DOESN'T HAVE ANY PROBLEM WITH VOIDING IT, THEN THAT CAN BE DONE. THAT'S WHAT I ALWAYS UNDERSTOOD. I MEAN I WOULD HAVE NEVER DONE ANYTHING IF I THOUGHT THAT IT WAS AGAINST THE LAW OR THERE WAS A PROBLEM WITH IT.

KG: UMKAY.

MT: I MEAN I'VE NEVER HAD ANY KIND OF A ETHICAL QUESTION COME UP ABOUT ANYTHING THAT I DID, AND I TRY YOU KNOW TO BE VERY HONEST AND STRAIGHT FORWARD AND TO GO BY THE BOOK.

KG: AND, AND, I'M NOT DEBATING THAT. I, I'M JUST TRYING TO MAKE SURE THAT I UNDERSTAND WHAT PROCESS TOOK PLACE IN THIS AND ALL OF IT IS RELATED TO AH YOUR DUTIES AND HOW YOU FUNCTION AND IF THERE IS A MISUNDERSTANDING THAT YOU HAVE ABOUT HOW YOU PERFORM YOUR DUTIES, I'D JUST LIKE TO KNOW IF IT WAS A MISUNDERSTANDING. AH, AH, IF AH, SO IN ORDER TO DO THAT I HAVE TO ASK THE QUESTIONS. I DON'T PARTICULARLY LIKE DOING IT, BUT I HAVE TO.

MT: SURE.

KG: OKAY. AH AFTER THE CITATION IS AH SWORN TO AND ACCEP', ACCEPTED I'VE BEEN INFORMED BY AOC THAT IT'S AN OFFICIAL COURT DOCUMENT AND A MAGISTRATE CAN NOT AH AH ASK SOMEONE TO VOID THE TICKET.

MT: UMKAY WELL IF, YOU KNOW

KG: AND SO I'M

MT: IF THAT'S THE CASE

KG: SO

MT: I DID NOT, WAS NOT AWARE OF THAT, BECAUSE LIKE I SAY, IF I HAD KNOWN THAT THERE WAS ANYTHING WRONG WITH THAT, THAT WAS ILLEGAL OR ANYTHING LIKE THAT I WOULD HAVE NEVER DONE IT. BECAUSE LIKE I SAY, IT DIDN'T MATTER TO ME.

KG: HAVE YOU EVER DONE IT BEFORE?

MT: WHAT DO YOU MEAN, ASK, ASK SOMEBODY IF THEY'D VOID A TICKET?

KG: AFTER IT WAS SWORN?

MT: NO.

KG: SO IS IT SAFE TO SAY THIS IS THE ONLY TIME YOU'VE ASKED AN OFFICER TO VOID A TICKET AFTER IT'S BEEN SWORN TO?

MT: TO MY KNOWLEDGE.

KG: OKAY. THIS TICKET TRANSMITTAL SPECIFICALLY SHOWS AH MR. STEVEN PHELPS AND IT SHOWS THERE'S A VOID HERE WHERE IT WASN'T EVER GIVEN A COURT DATE. DO YOU KNOW WHOSE HANDWRITING THIS IS?

MT: NO, I DON'T. IT, I WOULD JUST SAY IT'S WHOEVER ENTERED THE TICKETS WOULD'VE PUT THOSE NUMBERS THERE.

KG: UMKAY.

MT: AND WHO WROTE VOID I DON'T KNOW.

KG: OKAY. I UNDERSTAND. HOW DID YOU RECEIVE AH THE COPY OF MR. STEVEN PHELPS'S TICKET THAT OFFICER, CPL. DUHAIME WROTE? HOW DID YOU GET THAT IN YOUR POSSESSION?

MT: HOW DID I GET THE DEFENDANT'S COPY?

KG: RIGHT.

MT: HE GAVE IT TO ME.

KG: UMKAY, AHM AND IT WAS SHORTLY SOMETIME AFTER HE RECEIVED THE CITATION,

MT: YES.

KG: BEFORE, BEFORE THE ARRAIGNMENT DATE, I'M GOING TO ASSUME.

MT: OH, SURELY IT WAS. I DON'T KNOW WHEN BUT I'M SURE IT WAS, BUT I HAD ALREADY TALKED TO DUHAIME AND HE'S THE ONE THAT TOLD ME, I MEAN I WOULDN'T HAVE ASKED FOR THAT UNLESS HE, HE ASKED FOR IT.

KG: WHAT WAS THE REASON THAT YOU AH RECEIVED AH THIS TICKET AND ASKED DUHAIME TO TAKE CARE OF IT, TO TAKE IT BACK?

MT: WHAT, WHAT WAS THE REASON

KG: WHAT WAS YOUR REASON FOR ASKING DUHAIME TO VOID THE TICKET?

MT: BECAUSE LIKE I SAID MY HUSBAND ASKED ME IF I WOULD ASK HIM, BECAUSE HE KNEW THE BOY AND HE COULDN'T AFFORD TO PAY FOR IT.

KG: UMKAY. YOU SAID STEVEN HAS, HAS WORKED FOR YOUR HUSBAND IN THE PAST?

MT: HE HAS. I DON'T KNOW IF HE HAD WORKED AT THAT TIME BECAUSE THAT WAS PROBABLY, I DON'T THINK HIS BROTHER HAD BEEN THERE THAT LONG AND I THINK STEVEN DID, JUST HELPED OUT WHEN HE GOT IN A PINCH, BUT I THINK IT WAS PROBABLY AFTER THAT.

KG: DID STEVEN DO ANY WORK OR AH WAS HE COMPENSATED AH, DID HE DO ANY WORK AS A RESULT OF YOU TAKING CARE OF HIS TICKET?

MT: NO.

GC: HOW LONG HAVE YOU KNOWN STEVEN?

MT: UM, I GUESS MAYBE SINCE SOMETIME IN 2002.

GC: YOU MET HIM THROUGH YOUR BUSINESS, THROUGH YOUR FAMILY BUSINESS?

MT: THROUGH MY HUSBAND'S BUSINESS.

GC: HOW ABOUT HIS BROTHER?

MT: THROUGH THE BUSINESS.

GC: OKAY. JUST ROUGHLY HOW MANY OCCASIONS YOU'VE SPOKEN WITH STEVEN?

MT: I, IT'D BE HARD TO SAY. I MEAN IT WAS, HE'D COME AROUND THE SHOP, YOU KNOW, I'D SAY HI OR WHATEVER. AND THEY USED TO GO TO MUD BOGS AND I THINK HE'S PROBABLY GONE A TIME OR TWO. I COULDN'T BEGIN TO SAY. I MEAN I'VE SEEN HIM.

GC: GO TO MUD BOGS WITH YOUR HUSBAND?

MT: NO, HE DIDN'T GO WITH HIM, BUT THEY WOULD BE AT THE SAME MUD BOG.

GC: OKAY. SO IT WAS MORE A, IT WAS NOT NECESSARILY ON A PROFESSIONAL BASIS ALL THE TIME?

MT: NO.

GC: IT WAS A SOCIAL BASIS ALSO.

MT: HIS W', I GUESS YOU WOULD SAY WOULD BE SOCIAL BECAUSE HE DIDN'T, ALL HE DID WAS HELP OUT KEVIN, JUST MAYBE A COUPLE TIMES WHEN HE WAS REAL BUSY AND HE NEEDED SOMEBODY TO HELP OUT AND STEVEN I GUESS WASN'T WORKING.

GC: OKAY.

KG: HAVE YOU TALKED TO MARY BETH ABOUT THIS TICKET REGARDING STEVEN PHELPS (UNINT) IN THAT SHE'S THE ONE THAT DID SIGN THE TRANSMITTAL? DID YOU TALK TO HER ABOUT THIS AH TICKET, SETTING IT ASIDE OR PUTTING IT OUT SINCE SHE WAS THE ONE THAT RECEIVED IT?

MT: WHEN DO YOU MEAN, AFTER SHE DID THAT?

KG: IF YOU NOTICE HERE THE COURT CASE NUMBERS ARE WRITTEN DOWN HERE AND THE MAGISTRATE WROTE THOSE AFTER, I'M ASSUMING, AFTER THE OFFICER WAS GONE. AH, THERE WASN'T A COURT CASE NUMBER ASSIGNED, RIGHT HERE. IT WAS IMMEDIATELY AH INDICATED VOID, SO THAT MEANS THAT AH, AH BETWEEN, SOMETIME BETWEEN THE TIME THAT THE MAGISTRATE RECEIVED THE TICKET AND BEFORE THEY COULD WRITE THE COURT CASE NUMBER, IT WAS VOIDED AND MISS MARY BETH BRACKIN DOES NOT KNOW MR. PHELPS. SO DID YOU CONTACT HER AH AND HAVE A CONVERSATION WITH HER ABOUT MR. PHELPS' CITATION?

MT: WELL LIKE I SAY WE TALKED ABOUT IT BECAUSE ERIC WAS THERE AND HE HAD JUST SWORN TO THE TICKET. AND THAT'S WHEN HE TOLD ME WHO HE GAVE IT TO AND THEN I'M THINKING WE WENT BACK AND TALKED TO HER. BUT I MEAN, YOU KNOW, I DIDN'T GO AND TELL HER TO VOID IT. I WOULD NEVER DO THAT.

KG: UMKAY, SO YOU WERE PRESENT WHEN MARY BETH WAS SO, RECEIVING THE TICKETS FROM ERIC?

MT: NO, I WAS IN THE OFFICE AND I SAW HIM, I'M THINKING AS HE LEFT. OBVIOUSLY THEY WOULDN'T HAVE WRITTEN THAT DOWN IN THERE AND ALL THAT IF I WAS STANDING RIGHT THERE. BUT I'M THINKING I JUST SAW HIM PASSING THROUGH AND LIKE I SAY THIS IS A LONG TIME AGO. A LOTS HAPPENED SINCE THEN. BUT I'M THINKING I SAW HIM AND I ASKED HIM, I SAID, OH, HAVE YOU GOT A TICKET FOR SO AND SO, AND HE SAID YEAH I JUST GAVE THOSE TO MARY BETH. SO THEN I ASKED HIM ABOUT IT AND HE SAID, NO, I DON'T CARE, I DON'T HAVE ANY PROBLEM WITH IT, SO THAT'S WHEN WE ALL TOGETHER WENT IN THERE AND HE, HE SAID THAT IT WAS OKAY TO VOID IT.

KG: OKAY. SO UH EARLIER YOU SAID YOUR HUSBAND CONTACTED YOU ABOUT THE TICKET INITIALLY?

MT: UM, HM.

KG: AND HE ASKED YOU IF YOU WOULD TAKE CARE OF IT.

MT: HE DIDN'T SAY TAKE CARE OF IT, HE SAID JUST SEE IF YOU CAN DO ANYTHING

KG: DO SOMETHING.

MT: TO HELP HIM.

KG: OKAY, I'M NOT TRYING TO PUT WORDS IN YOUR MOUTH, OKAY?

MT: I UNDERSTAND.

KG: AND AH HE TOLD YOU THAT, DID HE DO IT OVER THE PHONE? HOW WERE YOU PRESENT HERE TO SEE ERIC TAKE, TURN IN THE TICKETS AND EVERYTHING AND, AND YOUR HUSBAND HAD TO NOTIFY YOU WHEN THE, WHEN STEVEN RECEIVED THE TICKET. HOW, HOW DID THAT HAPPEN SUCH A CLOSE TIME FRAME?

MT: I DON'T KNOW. MAYBE YOU'RE NOT UNDERSTAND, I DON'T KNOW WHAT THE TIME FRAME WAS. I WOULD IMAGINE WHEN STEVEN GOT THE TICKET KEVIN SAID HEY, YOU KNOW, AND I DIDN'T TALK TO DUHAIME UNTIL HE CAME IN THE OFFICE.

KG: RIGHT.

MT: I HAD, YOU KNOW I JUST MADE A MENTAL NOTE, DUHAIME, BE ON THE LOOK OUT. AND WHEN HE CAME IN THERE, THAT'S WHEN I ASKED HIM. AND YOU KNOW THAT'S WHEN IT CAME ABOUT. IT DIDN'T ALL TAKE PLACE THE SAME DAY.

KG: OKAY. THANKS FOR CLARIFYING THAT UP FOR ME.

MT: YEAH, CAUSE YOU CAN SEE THAT WAS A FEW DAYS AFTER IT.

KG: RIGHT. AH, GOING FORWARD TO BRADLEY PHELPS. AH, I UNDERSTAND THAT AH AS YOU SAID BRADLEY USED TO WORK FOR YOUR HUSBAND AS WELL.

MT: YES.

KG: AH, BRADLEY RECEIVED A CITATION ON APRIL THE 14TH OF 2003, AH, TICKET NUMBER M5532102. LOOK AT THAT TICKET AND TELL ME IF YOU RECOGNIZE THAT ONE.

MT: YES.

KG: OKAY. AH, WHEN WAS THE FIRST AH, WHAT WAS THE FIRST POINT OF CONTACT THAT YOU HAD REGARDING THIS TICKET AND MR. BRADLEY PHELPS?

MT: I DON'T KNOW WHAT DAY IT WAS. I'M SURE AFTER HE GOT THAT I'M SURE KEVIN CALLED AND SAID SOMETHING ABOUT THAT, AND HE SAID, WELL I KNOW AT SOME POINT HE WANTED ME TO, TO SEE IF WE COULD CONTINUE IT BECAUSE THEY WERE WORKING AND IT WAS THE SAME COURT DATE, AND SO I SAID OKAY.

KG: UMKAY. AND AH REGARDING AH, SEE I'M THINKING OF ANOTHER QUESTION I'M NOT GONNA ASK IT. REGARDING AH WHENEVER YOU DID CHECK ON THIS CITATION, SGT. WESTBERRY IS THE ONE THAT WROTE IT. DO YOU, DID YOU MAKE ANY CONTACT WITH SGT. WESTBERRY?

MT: HE, I THINK I SAW HIM WHEN HE HAD COME IN AND HE, I DON'T KNOW IF IT'S WHEN HE CAME IN OR NOT. IT MAY HAVE BEEN SOMETIME AFTER THAT. HE WRITES A LOT OF TICKETS SO HE COMES THROUGH OFTEN. AND I MENTIONED SOMETHING TO HIM ABOUT IT AND AH HE'D ALREADY SWORN TO IT SO IT WAS OVER.

KG: UMKAY. SO YOU JUST ASKED HIM IF HE HAD SWORN TO IT ALREADY AND HE SAID YES?

MT: YEAH.

KG: YOU DIDN'T ASK HIM TO DO, TO, IF HE COULD AH HELP YOU OUT WITH THIS CITATION?

MT: UM, UM. NO.

KG: UMKAY. AH, DID BRADLEY DO ANY WORK ANY ROOFING WORK FOR YOU?

MT: UM, WELL HE AH, I TALKED TO HIM ABOUT IT. I HAD A TRAILER THAT HAD A LEAKY ROOF PROBLEM AND MY HUSBAND HAD SUGGESTED THAT I SEE IF HE AND HIS DAD WANTED TO DO IT CAUSE THEY COULD ALWAYS USE THE EXTRA MONEY. AND HE WAS PAYING ME FOR A TRUCK THAT MY HUSBAND HAD FINANCED FOR HIM AND I HAD THOUGHT MAYBE AS AN OPPORTUNITY TO WORK OFF SOME OF THAT, HE COULD YOU KNOW I THOUGHT HE MIGHT BE INTERESTED. I, I JUST ASKED HIM. IF, IF HE DIDN'T WANTS TO DO IT, THAT WOULD'VE BEEN FINE, TOO, AND HE SAID YEAH THEY WOULD. AND SO THEY AH CAME OVER, HE AND HIS DAD CAME OVER ONE DAY AND THEY CLEANED THE ROOF OFF AND THEY GOT, I THINK THEY DID THAT ALL ON THE SAME DAY. THEY WENT AND GOT A TARP TO PUT OVER IT.

KG: UM, HM.

MT: AND THAT WAS IN THE, YOU KNOW THAT WAS BACK WHEN IT WAS QUITE RAINY IN THE SUMMER. SO THEY, YEAH, THAT'S WHAT THEY HAD DONE. THEY TOOK AND AH

FIXED IT SO THAT IT WOULD BE ALL RIGHT TEMPORARILY WHILE IT RAINED. BUT THEY WEREN'T ABLE TO GET BACK THERE AND IT WAS RAINY AND I NEEDED TO GET IT FIXED SO AFTER A WHILE WHEN THEY HADN'T COME BACK I CALLED 'EM ONE DAY AND TOLD 'EM THAT THEY DIDN'T HAVE TO WORRY ABOUT IT, THAT I GOT SOMEBODY ELSE THAT WAS GONNA FIX IT FOR ME AND THAT BRAD JUST NEEDED TO GO AHEAD AND MAKE HIS TRUCK PAYMENTS. OF COURSE I DEDUCTED WHATEVER THE PRICE OF THE TARP AND TIME YOU KNOW, MONEY FOR THEIR TIME THAT THEY'D SPENT THERE.

KG: UMKAY. AH, REGARDING THE, THE AH TICKET AND HIS ALLEGATIONS, THE ALLEGATIONS ARE THAT YOU WERE TO AH TAKE CARE OF THE TICKET IN EXCHANGE FOR THE WORK BEING DONE ON THE TRAILER.

MT: THAT IS NOT CORRECT AT ALL.

KG: OKAY. WHEN YOU CALLED THEIR HOMES AFTER THE, THE ROOF HASN'T, HADN'T BEEN FINISHED, AH WHO DID YOU SPEAK TO?

MT: AH, I THINK HIS SISTER MIGHT HAVE ANSWERED THE PHONE AND THEN I TALKED TO HIS DAD. AND THAT'S WHEN I TOLD HIM THAT, THAT THEY DIDN'T HAVE TO WORRY ABOUT IT BECAUSE I WAS, I HAD SOMEBODY ELSE THAT WAS GONE FIX IT FOR ME.

KG: DID YOU, DO YOU EVER REMEMBER TALKING TO PHYLLIS, THE MOTHER?

MT: NO.

KG: UMKAY.

MT: I MEAN I'VE TALKED TO HER BEFORE BUT I DIDN'T TALK TO HER ON THAT OCCASION.

KG: ABOUT WHEN WAS THAT? DO YOU REMEMBER?

MT: UM, I'M THINKING IT WAS PROBABLY SOME TIME AROUND JUNE.

KG: UMKAY. AH, IT'S ALLEGED THAT WHEN YOU SPOKE WITH PHYLLIS YOU TOLD HER TO AH REMIND BRADLEY ABOUT THE TICKET. AT THIS POINT THE TICKET HAD NOT, BRADLEY HAD NOT RECEIVED ANY JUDICIAL NOTICE TO BE IN COURT, APPEAR IN COURT, OR ANYTHING, EVEN PAST THE APPEARANCE DATE. NOW AH PHYLLIS STATED THAT AH,

MT: I THINK HER NAME'S PATTY.

KG: IS IT PATTY? THAT'S WHAT YOU, OKAY. LET'S JUST SAY BRADLEY'S MOTHER, OKAY? AH, SHE STATED THAT AH WHEN YOU CALLED AH YOU TOLD HER TO MAKE SURE SHE TOLD BRADLEY TO REMEMBER THE TICKET.

MT: I NEVER TALKED TO HER THAT DAY.

KG: YOU NEVER TALKED TO HER THAT DAY?

MT: NOW LIKE I SAY I'VE TALKED TO HER OTHER TIMES BECAUSE I WOULD OFTEN HAVE TO CALL BECAUSE HE WOULD USUALLY BE LATE WITH HIS PAYMENTS, AND I HAVE TALKED TO HER ON, USUALLY EVERY MONTH I'D HAVE TO CALL AND HAVE HER YOU KNOW REMIND HIM THAT HE NEEDED TO GET IT PAID.

KG: UM, HM.

MT: AND I MEAN I MAY HAVE SAID SOMETHING AT SOME OTHER TIME, BUT I DID NOT TALK TO HER ON THIS PARTICULAR OCCASION. I TALKED TO HIS DAD.

KG: OKAY. AH, AND WHEN YOU TALKED TO HIM AH, WHAT WAS YOUR CONVERSATION AGAIN NOW WITH HIM?

MT: JUST, I TOLD HIM THAT THEY DIDN'T HAVE TO WORRY ABOUT FINISHING THAT BECAUSE I HAD SOMEBODY ELSE THAT WAS GONE DO IT AND I, I NEED, WELL THE

MAIN THING WAS BECAUSE I NEEDED HIM TO FINISH PAYING HIS TRUCK PAYMENT BECAUSE I WAS HAVING TO MAKE PAYMENTS ON IT. SO THAT WAS, YOU KNOW THAT WAS THE ONLY REASON THAT I CALLED JUST TO LET HIM KNOW HE NEEDED TO GO AHEAD AND PAY ME WHAT HE OWED.

KG: DID YOU AH TELL BRADLEY'S FATHER THAT THE TICKET WOULD RE-APPEAR IF HE DIDN'T FINISH DOING THE ROOFING JOB?

MT: NO.

KG: OKAY. AH, DID BRADLEY COME TO YOUR HOME, AH SUBSEQUENTLY SOME TIME AFTER YOU HAD THE CONVERSATION WITH HIS FATHER?

MT: YES.

KG: AH, DID HE DO ANY WORK FOR YOU THEN?

MT: NO.

KG: OKAY. DID YOU AND HIM HAVE A CONVERSATION ABOUT THE WORK TO BE DONE ON THE ROOF?

MT: NO. I MEAN I HAD ALREADY TOLD HIS DAD THAT, THAT I DIDN'T NEED 'EM TO DO IT. AND WE MAY HAVE, I DON'T KNOW IF WE DISCUSSED THAT OR NOT. HE WAS MAINLY THERE. HE CAME TO BRING ME SOME MONEY.

KG: UMKAY. THE CONVERSATION DIDN'T COME UP ABOUT THE ROOF WHEN HE CAME TO TALK TO YOU?

MT: WELL, YEAH IT DID, BECAUSE HE WAS TELLING ME WHAT THEY PAID FOR A TARP AND WE WERE DISCUSSING YOU KNOW HOW MUCH CREDIT I SHOULD GIVE HIM FOR IT. YEAH, AND HE MENTIONED THE PRICE ON THE TARP WHICH I THOUGHT WAS PRETTY EXPENSIVE, BUT HE HAD, STILL HAD IT IN HIS POCKET, OR IN HIS, HIS WALLET,

KG: HAD THE RECEIPT IN HIS WALLET?

MT: YEAH. HE HAD THE RECEIPT AND HE SHOWED IT TO ME SO I SAID OKAY.

KG: WHERE DID YOUR CONVERSATION WITH HIM TAKE PLACE AT?

MT: AT MY HOUSE.

KG: OUTSIDE, INSIDE?

MT: OUTSIDE.

KG: OKAY, WAS THERE ANYONE ELSE WITH HIM?

MT: SOMEBODY WAS IN THERE, BUT I, I COULDN'T REALLY SEE IN THE TRUCK WHO IT WAS.

KG: AH, HE, DID YOU ASK HIM FOR THE ORIGINAL RECEIPT TO KEEP FOR YOUR OWN RECORDS?

MT: I DON'T REMEMBER. I'M THINKING I PROBABLY DID, CAUSE I WOULD'VE WANTED IT, BUT HE MAY HAVE WANTED TO KEEP IT. I, I REALLY DON'T REMEMBER THAT.

KG: UMKAY. AH, DID YOU EVER MENTION TO HIM THAT THE TICKET WAS GOING TO REAPPEAR SINCE HE DIDN'T, DID NOT FINISH THE JOB?

MT: NO.

KG: OKAY. AH, CAN YOU TELL ME IF YOUR HANDWRITING'S ANYWHERE ON THIS CITATION?

MT: OKAY. THAT WOULD BE MINE.

KG: THE O O T.

MT: YEAH, THE 9/16/03, I WOULD'VE CONTINUED IT AND OF COURSE I'M FRESHER ON THIS NOW CAUSE I'VE ALREADY BEEN OVER THIS WITH ETRESS, BUT AH, THAT WAS PROBABLY THE DAY, I'M ASSUMING THAT, THAT WAS THE TIME THAT THEY CALLED AND THEY WERE WORKING OUT OF TOWN AND SO I CONTINUED IT AND ACTUALLY I PUT IT UP HERE, BUT THEN I PUT IT DOWN HERE BECAUSE THAT WAS A TRIAL DATE. AND THAT WAS NORMALLY FOR ARRAIGNMENT DATES. SO THAT'S WHY I WROTE DOWN HERE TRIAL SO THEY'D KNOW THAT IT WAS A TRIAL AND IT WOULDN'T GET IN THE WRONG PLACE.

KG: OKAY. WHO SPECIFICALLY CALLED YOU AH AND TOLD YOU THAT THEY WOULD BE OUT OF TOWN?

MT: MY HUSBAND.

KG: UMKAY. OKAY. HOW ABOUT THE OTHER WRITING HERE? DO YOU KNOW WHO THAT BELONGS TO?

MT: I COULDN'T REALLY SAY FOR SURE.

KG: TO YOUR KNOWLEDGE WAS, IS THERE ANY OTHER AH PAPERWORK THAT, LET ME GO BACK, AFTER A PERSON DOESN'T APPEAR FOR COURT, THEIR ARRAIGNMENT, WHAT IS THE NORMAL PROCESS THAT OCCURS?

MT: THEY WOULD RECEIVE A, IF THEY DON'T SHOW UP ON THE FIRST ARRAIGNMENT DAY, A 6 A NOTICE IS SENT OUT.

KG: OKAY. WHAT IS THAT?

MT: THAT IS A NOTICE THAT CONTINUES IT. IT'S KIND OF LIKE A COURTESY NOTICE THAT WE DO. ALL COURTS DON'T DO IT BUT OUR COURT DOES. WE CONTINUE IT FOR NORMALLY FOR TWO WEEKS. IT'S NOT ALWAYS TWO WEEKS NOW, BUT NORMALLY IT'S FOR TWO WEEKS AND THE NOTICE IS SENT TO THE PERSON'S LAST KNOWN ADDRESS.

KG: WILL AH THE MAGISTRATE'S OFFICE RETAIN A COPY OF THAT NOTICE?

MT: NO.

KG: OKAY. AH, WHY NOT?

MT: JUST NOT, I DON'T KNOW.

KG: OKAY.

MT: IT'S JUST NOT SOMETHING WE KEEP A COPY OF.

KG: WELL, HOW DO YOU KNOW THAT THE NOTICE WAS MAILED?

MT: WELL, FROM LOOKING AT THIS, IT SAYS THAT ONE WAS MAILED ON 10/28. BUT YOU KNOW I DON'T, I DON'T KNOW HOW THAT GOT THERE BECAUSE BACK, I KNOW THAT HE GOT A NOTICE LAST YEAR, BECAUSE HE SPOKE TO MY HUSBAND ON THE PHONE AND HE WAS, HE WAS MAD ABOUT THAT, AND SAYING SO', I GUESS THAT HE THOUGHT THAT THIS TICKET WAS TAKEN CARE OF. I DON'T KNOW WHERE HE GOT THAT IDEA. I NEVER TOLD HIM I WAS GONNA DO THAT. BUT HE WAS MAD SO, BECAUSE HE HAD JUST GOTTEN A NOTICE SAYING SOMETHING ABOUT HIS CASE HAD BEEN CONTINUED. AND THAT WAS THE LAST I HEARD OF IT.

KG: UMKAY. AHM, ISN'T IT A LITTLE BIT ODD THAT FROM JUNE, THE TICKET NEXT COURT DATE HE WAS GIVEN WAS ALL THE WAY IN OCTOBER? ISN'T THAT OUT OF THE ORDINARY?

MT: NO.

KG: IT'S NOT.

MT: NO, NOT AT ALL.

KG: OKAY. WHY NOT?

MT: IT'S JUST NOT OUT OF THE ORDINARY. IT'S NOT UNUSUAL. CASES, CASES GET CONTINUED ALL THE TIME.

KG: SO YOU SAID THE NORMAL COURSE OF ACTION IS FOR THIS TO BE POSTPONED FOR TWO WEEKS AND THEY'RE GIVEN A, AH, A 6 A?

MT: THAT'S IF THE PERSON DOESN'T COME TO COURT THEY DON'T REQUEST CONTINUANCES OR ANYTHING LIKE THAT. IE, IF WE NEVER HEARD FROM THE DEFENDANT AND THEY DIDN'T COME TO COURT, WE'D MAIL OUT A 6 A NOTICE THAT WOULD CONTINUE IT FOR TWO WEEKS. THAT'S SOMETHING ELSE THAT'S CHANGED.

KG: AND SO FOUR MONTHS LATER HE RECEIVES HIS FIRST, HE RECEIVES A, A DATE TO APPEAR IN COURT WHICH WOULD, SHOULD HAVE BEEN HIS 6 A DATE, RIGHT?

MT: I DON'T KNOW. I DON'T KNOW THAT HE RECEIVED THAT. THE ONLY REASON I'M SAYING I KNOW ABOUT THE ONE LAST YEAR BECAUSE MY HUSBAND TALKED TO HIM AFTER HE RECEIVED IT.

KG: BUT YOU'RE SAYING THAT IT IS NOT ODD FOR HIM TO RECEIVE THIS DATE FOUR MONTHS AFTER WHEN THE NORMAL PROCESS IS THEY WOULD NORMALLY RECEIVE AH THIS LETTER AND GIVEN ANOTHER COURT DATE IN TWO WEEKS?

MT: NO. THAT'S NOT AT ALL UNUSUAL. AND I THINK YOU COULD PROBABLY HAVE THE AUDITOR RUN A REPORT AND YOU COULD SEE HOW OFTEN AND HOW LONG CASES ARE CONTINUED. I MEAN THAT, THAT'S NOT ANYTHING UNUSUAL.

KG: OKAY. WELL, I'M NOT GONNA DIFFER WITH YOU. I'VE JUST TALKED TO OTHER EMPLOYEES THAT WORK OVER THERE AND WHO'VE BEEN THERE JUST AS LONG AND THAT, IF THE NORMAL COURSE OF PR', AH OF EVENT IS SUPPOSED TO BE AFTER TWO WEEKS, AH, THEY'RE GIVEN A TWO WEEK COURT APPEARANCE IF THEY DIDN'T SHOW RIGHT THEN, AND ALL OF A SUDDEN THERE'S A FOUR MONTH DIFFERENCE, TWO WEEKS AND FOUR MONTHS IS A BIG DIFFERENCE, SO WE'LL, WE'LL GO AHEAD AND I HAVE YOUR ANSWER AND I APPRECIATE THAT. YOU HAVE ANYTHING?

GC: JUST AH, HAVE YOU EVER KNOWN OF ANY TIME CONSTRAINT FROM A DATE OF ARRAIGNMENT FROM THE, FROM THE WHEN THE TICKET WAS ISSUED TO THE DATE OF ARRAIGNMENT, EVER?

MT: WHAT?

GC: HAS THERE EVER BEEN AN, A TIME CONSTRAINT? HAVE YOU EVER BEEN ADVISED OF A TIME CONSTRAINT?

MT: YOU MEAN LIKE THERE'S A CERTAIN AMOUNT OF TIME?

GC: YES.

MT: NO.

GC: OKAY.

MT: AND IT'S DIFFERENT WITH ALL OFFICERS, CAUSE SOME OF 'EM MIGHT GIVE 'EM 2 OR 3 WEEKS. SOME OF 'EM'LL GIVE 'EM 5 OR 6 MONTHS. IT'S JUST ALL UP TO THE OFFICER.

KG: ACCORDING TO THIS WHEN WAS THE AW ISSUED? (TURN TAPE OVER) WE'RE IMMEDIATELY TAKING BACK UP AH, RIGHT AT WHERE I ASKED HER AH TO TAKE A LOOK AT THE CITATION AND SEE WHEN THE AW WAS ISSUED. I'M SORRY, GO AHEAD.

MT: LIKE I SAY I CAN'T REALLY TELL FROM LOOKING AT THIS. ALL I CAN GO BY IS THIS 7/27 DATE WHICH IS RIGHT UNDERNEATH WHERE SOMEBODY WROTE THE AW

NUMBER, BUT I CAN'T TELL BY LOOKING AT THIS. NOW IF I SAW THE AW THEN I MIGHT BE ABLE TO TELL YOU.

KG: OKAY. THE CONVERSATION THAT YOU HAD AH WITH AH AH BRADLEY PHELPS'S FATHER, AH, AND HIS OTHER RELATIVE AT THE HOUSE ACCORDING TO THEIR STATEMENTS WAS ACTUALLY ON THE 4TH OF JULY WEEKEND. AH, THE AW HERE WAS ISSUED 7/27/04. AH, EXCUSE ME, AND WITH, AFTER THE AW WAS ISSUED, MR. AH PHELPS WAS ARRESTED, ARRESTED IN AH DECEMBER IF I'M CORRECT OF 04. AND, AND MADE TO POST BOND. AFTER HE, HE WAS ARRESTED HE WENT TO THE MAGISTRATE'S OFFICE AND SPOKE TO MISS MCLAIN WHO WAS AT THE FRONT WINDOW. DO YOU REMEMBER HAVING A CONVERSATION WITH MISS MCLAIN AH AFTER MR. BRADLEY PHELPS LEFT?

MT: I REMEMBER HEARING HIM OUT THERE AND I THINK, I DON'T REMEMBER WHAT I SAID TO HER BUT I THINK I ASKED HER, I COULDN'T HEAR ALL HE WAS SAYING, BUT I COULD HEAR HIM OUTSIDE THERE, AND I ASKED HER YOU KNOW WHAT HE WAS TRYING TO DO OR SOMETHING LIKE THAT, BUT IT, IT WAS JUST VERY BRIEF, NOTHING TO IT. SHE CAME IN MY OFFICE AFTER THAT LOOKING FOR SOME PAPERWORK.

KG: DID SHE TELL YOU THAT AH HE HAD STATED THAT YOU WERE SUPPOSED TO TAKE CARE OF THE TICKET AND HE DIDN'T UNDERSTAND WHY HE WAS ARRESTED? DID MISS MCLAIN TELL YOU THAT?

MT: I DON'T THINK SO.

KG: OKAY. WHAT DID SHE SAY TO YOUR KNOWLEDGE?

MT: I DON'T REALLY REMEMBER SAYING MUCH OF ANYTHING. I MEAN IT WAS JUST LIKE SHE CAME, SHE PASSED THROUGH THERE, SHE WAS LOOKING FOR SOME PAPERWORK AND I ASKED HER ABOUT CAUSE I HAD OVERHEARD HIM. ACTUALLY I HAD BEEN OUTSIDE AND I SAW HIM COME IN THE DOOR, AND THEN I COULD HEAR A LITTLE BIT OF IT AND I ASKED HER, CAUSE I HEARD HIM SAYING SOMETHING ABOUT, ABOUT MARY TURNER'S ROOF OR SOMETHING LIKE THAT, BUT SHE JUST KIND OF JUST BLEW IT OFF AND DIDN'T REALLY, DIDN'T REALLY HAVE ANYTHING TO SAY ABOUT IT.

KG: OKAY. ACCORDING TO THIS TICKET, WHEN DID MR. PHELPS PLEAD GUILTY? TO THIS CHARGE?

MT: ACCORDING TO THIS TICKET THERE'S NOT A GUILTY PLEA.

KG: OKAY. ACCORDING TO THIS CASE NUMBER WHICH IS THE SAME ONE, THERE'S A G HERE UNDER THE DISPOSITION. WHAT DOES THAT STAND FOR? TO YOUR KNOWLEDGE?

MT: GUILTY. IT LOOKS ACCORDING TO THIS, SOMEONE PUT IN THERE THAT HE PLED GUILTY.

KG: DID YOU PUT THAT IN THERE?

MT: NO, I DID NOT.

KG: OKAY.

MT: BUT YOU COULD PROBABLY FIND OUT WHO DID.

GC: DO YOU KNOW WHO PUT THAT IN THERE?

MT: I DO NOT.

KG: DO YOU KNOW IF AH MR. PHELPS HAD, HAD AN ATTORNEY AH REPRESENTED, TO REPRESENT HIM ON THIS CITATION?

MT: IT IS MY UNDERSTANDING THAT HE DID.

KG: OKAY. AND HOW DO YOU UNDERSTAND THAT? EXCUSE ME.
MT: WELL I SEE THAT IT SAYS ON THERE THAT HE HAS ONE.

KG: UMKAY.
MT: AH, HE, HE MADE A CALL TO MY FATHER-IN-LAW SOMETIME I DON'T KNOW WHEN, IF IT WAS LAST YEAR, FIRST OF THIS YEAR, SOMETHING LIKE THAT, BUT HE MADE A CALL TO HIM, AND, AND HE WAS MENTIONING TO HIM THAT HE HAD AN ATTORNEY WHICH YOU KNOW I JUST THOUGHT, I DON'T KNOW IF HE'S TRYING TO, I DON'T KNOW WHAT HE'S TRYING TO DO.

KG: RIGHT.
MT: AND HE CALLED ME THE DAY BEFORE I WAS PUT ON ADMINISTRATIVE LEAVE WHICH I THOUGHT WAS RATHER UNUSUAL CAUSE I HAVEN'T, HAVEN'T TALKED TO HIM IN MONTHS. AND HE CALLED ME TO TELL ME THAT HIS ATTORNEY TOLD HIM, WHAT EXACTLY DID HE SAY? SOMETHING LIKE HIS ATTORNEY TOLD HIM TO CALL AND JUST SEE IF WE COULD WORK IT OUT. SO THAT HE WOULDN'T HAVE TO COME TO COURT.

KG: RIGHT. OKAY.
GC: WHAT WAS YOUR REPLY TO THAT?
MT: I TOLD HIM THAT I COULDN'T DO ANYTHING. THAT IT WASN'T UP TO ME. I TOLD HIM THAT WHEN THE ATTORNEY AND THE JUDGE ARE IN COURT THEY CAN, YOU KNOW THEY CAN MAKE DEALS AND STUFF. I SAID, BUT I TOLD HIM THAT THERE WAS NOTHING I COULD DO, THAT IT WAS OUT OF MY HANDS. AND HE, HE REPEATED THE SAME THING 2 OR 3 TIMES, BUT I TOLD HIM THERE WASN'T ANYTHING I COULD DO.

KG: HAVE, SINCE BEING PLACED ON ADMINISTRATIVE LEAVE, HAVE YOU HAD ANY AH CONVERSATION WITH ANY OF THE MAGISTRATES AH OR ANY OF THE MUNICIPAL COURT EMPLOYEES?
MT: I, DID TALK TO UH SARAH AND MARY BETH. THEY GOT PERMISSION TO TAKE ME TO LUNCH FOR MY BIRTHDAY.

KG: AH, PRIOR TO THAT? PRIOR TO YOUR BIRTHDAY?
MT: I'VE SEEN MARY BETH. WE GO TO THE SAME CHURCH YOU KNOW SO I'VE SEEN HER YOU KNOW ON THAT OCCASION.

KG: OKAY, YOU STILL ATTEND THE SAME CHURCH?
MT: WELL, SHE GOES TO ANOTHER CHURCH, BUT HER MOTHER-IN-LAW STILL GOES THERE SO THEY COME AND VISIT FREQUENTLY.

KG: UMKAY. HAVE YOU HAD A CONVERSATION WITH MARY BETH PRIOR TO GOING TO LUNCH WITH HER AND MRS. SARAH FOWLER?
MT: JUST I WOULD SAY PROBABLY AT CHURCH, THAT WOULD'VE BEEN IT.

KG: UMKAY. HAVE YOU DISCUSSED THIS CASE OR HAS SHE, HAVE YOU DISCUSSED AH YOUR AH, AH BEING AH PLACED ON ADMINISTRATIVE INVESTIGATION OR ANY OF THE AH ALLEGATIONS REGARDING THIS TO MARY BETH?
MT: NO, NONE OTHER THAN JUST YOU KNOW THAT I WAS OFF AND HOW WAS I DOING AND STUFF LIKE THAT? BUT I MEAN WE DIDN'T EVEN KNOW WHAT IT WAS

KG: RIGHT.
MT: UNTIL A COUPLE WEEKS AGO.

KG: RIGHT.
MT: OTHER THAN WHAT RICKY SAID.

KG: DID UH WAS THAT FROM THE WEB SITE OR IN PERSON?
MT: THE WEB SITE, NO, I HAVE NOT TALKED TO RICKY.

KG: AH, DID, HOW MANY TIMES DID AH YOU HAVE A CONVERSATION WITH MARY BETH SINCE YOU'VE BEEN PLACED ON ADMIN. LEAVE PRIOR TO YOUR BIRTHDAY?
MT: MAYBE A COUPLA TIMES.

KG: AH, DID YOU GIVE HER INFORMATION REGARDING ANY PROCEDURES AT WORK?
MT: INFORMATION?

KG: UM, HM.
MT: LIKE WHAT?

KG: THAT'S, THAT'S, I'M LEAVING IT LIKE THAT.
MT: WELL I MEAN I D', I'M TRYING TO, NO.

KG: OKAY.
GC: HOW ABOUT ANYBODY ELSE, DID YOU, DID YOU TALK WITH ANYBODY ELSE THAT YOU'RE EMPLOYED WITH OTHER THAN MARY BETH?
MT: ABOUT THIS CASE?

GC: UM, HM.

KG: OR, I THINK SHE MENTIONED, YOU MENTIONED SARAH FOWL', WELL, I JUST REMEMBER YOU SAID YOU TALKED TO HER BUT I DIDN'T KNOW
MT: AT LUNCH

KG: IF IT WAS ABOUT, NO, PRIOR, WE UNDERSTAND, WE, Y'ALL HAD LUNCH TOGETHER AND EVERYTHING
MT: YES.

KG: BUT AH, AH, YOU DID MENTION MRS., MRS. FOWLER AND I WANTED TO MAKE SURE THAT,
MT: OH, NO, I HAVEN'T TALKED TO HER. THE ONLY TIME I TALKED TO HER WAS ON MY BIRTHDAY.

KG: WAS AT LUNCH. OKAY. I WANTS MAKE SURE I.
GC: OTHER THAN THOSE TWO WAS ANYBODY ELSE THERE AT YOUR
MT: MY SISTER AND SOME FRIENDS OF HERS FROM WORK.

GC: ALL RIGHT.

KG: I HAVE FINISHED MY QUESTIONS. IS THERE SOMETHING THAT I CAN ANSWER FOR YOU RIGHT NOW, AH, IF I CAN ANSWER THAT I'LL ANSWER IT, IF I CAN'T I'LL TELL YOU I CAN'T. OKAY, IF THERE, IS THERE A QUESTION THAT YOU MAY HAVE FOR ME AH THAT I COULD ANSWER?

MT: I GUESS REALLY THE MAIN THING IS IF YOU KNOW I WAS CONCERNED WHEN ETRESS TOLD ME THAT THERE WAS A CRIMINAL INVESTIGATION. I MEAN CAN YOU TELL ME IF THERE IS

KG: OKAY AH
MT: I MEAN DO I NEED TO BE PREPARED FOR THE POLICE TO COME TO MY HOUSE?

KG: LET ME SAY THIS FIRST OF ALL. WHEN, WHENEVER THIS CASE STARTED IT STARTED OUT ADMINISTRATIVELY BECAUSE AH I WAS JUST TOLD THAT THERE WAS POSSIBLE MISCONDUCT DEALING WITH THE HANDLING OF MR. BRADLEY PHELPS' TICKET. OKAY? AFTER I CONTINUED INVESTIGATING IT, IT BEGAN TO APPEAR THERE COULD BE A POSSIBLE SOMETHING CRIMINAL AH REGARDING AH THE, THE,

THE SITUATION, SO AT THAT TIME I STOPPED MY ADMINISTRATIVE INVESTIGATION. AND YOU'D ALREADY RECEIVED MY NOTICE THAT THERE WAS AN ADMINISTRATIVE INVESTIGATION. AT THAT POINT I HAD NO IDEA THAT THERE COULD BE A POSSIBILITY OF AH AH CRIMINAL MISCONDUCT. ONCE THAT CAME TO ME, I TURNED THE INVESTIGATION OVER TO THE CRIMINAL INVESTIGATOR. AH, TO DO AN INDEPENDENT INVESTIGATION ON THEIR OWN AND ONCE THEY FINISHED THEIR INDEPENDENT CRIMINAL I HAD TO PROCEED ON WITH MY ADMINISTRATIVE, OKAY? AH, AND TO I GUESS AH, FOR THE RECORD, AH, THE INVESTIGATOR ETRESS IS GOING TO AH STILL BE IN AH, THAT, THAT'S HIS INVESTIGATION. I'M SUPPOSED TO GET HIS INVESTIGATIVE REPORT BUT NOTHING AH THAT I G', NOTHING THAT I HAVE TODAY AS PART OF YOUR STATEMENT WILL BE GIVEN TO HIM AS FAR AS HE'S NOT PRIVY TO AH THIS INTERVIEW.

MT: RIGHT.

KG: OKAY?

MT: BUT, RIGHT. I UNDERSTAND THAT'S WHAT THAT PAPER SAID, BUT HAVE YOU NOT RECEIVED HIS INFORMATION YET?

KG: I HAVE NOT RECEIVED HIS INFORMATION YET.

MT: OKAY, I THOUGHT THAT HE WAS THROUGH AND HAD

KG: HE IS FINISHED.

MT: GIVEN THAT TO YOU.

KG: HE IS FINISHED AND, AND UNLESS YOU WANT THIS ON RECORD I CAN END THE, END THE RECORDING, BUT I CAN TELL YOU THE PROCESS OF OUR CRIMINAL INVESTIGATION, WHAT IT GOES THROUGH, BUT IT HAS NOTHING TO DO WITH THIS, THIS INTERVIEW. THE,

MT: WELL, JUST, I MEAN WE AS WELL JUST LEAVE IT ON.

KG: AH, THE CRIMINAL INVESTIGATION IS TOTALLY UP TO INV. ETRESS. AH, IT'S TURNED OVER TO ME AFTER AH, AFTER I'M FINISHED. I MEAN, IT'S TURNED OVER TO ME AFTER THEY GET FINISHED WITH THE CRIMINAL INVESTIGATION. THEY HAVE STATEMENTS, THEY HAVE INTERVIEWS, THEY HAVE SO MUCH PAPERWORK TO DO AN INVESTIGATIVE REPORT FOR ME THIS THICK, SO WITH THE INVESTIGATION OVER, AH, I GUESS YOU WOULD BE MORE AH, IT WOULD BE BETTER SUITED FOR HIM TO ANSWER THE QUESTION BECAUSE AH IF AS LONG AS HIS ACTIVE LEADS ARE OVER AND HE'S FINISHED, HE MAY HAVE SUPPLEMENTS THAT HE NEEDS TO DO, AND THIS IS JUST SPECULATION. THERE MAY BE, I DON'T NOW HOW MANY PEOPLE, YOU KNOW, HE ENTERED AND EVERYTHING BUT IT WILL COME TO ME AH AS FAR AS THE CRIMINAL INVESTIGATION.

MT: OKAY. WILL THERE BE ANY KIND OF DECISION ON YOUR PART OR ANYTHING UNTIL BEFORE YOU RECEIVE HIS INFORMATION? I MEAN DOES WHAT HE FIND,

KG: A PART OF THIS?

MT: YEAH.

KG: YES. THE, THE ADMIN, OF COURSE WE'RE TALKING ABOUT YOUR PERFORMANCE FOR YOUR DUTIES DEALING WITH THE ADMINISTRATIVE INVESTIGATION. IF THERE'S A CRIMINAL ALLEGATION THAT HAS TO DO WITH YOUR PERFORMANCE FOR YOUR DU', OF DUTY AH AS BEING EMPLOYED WITH THE CITY OF DOTHAN, SO YES. AH, IS THERE, IS THERE ANYTHING YOU'D LIKE TO SAY THAT I HAVEN'T ASKED YOU ABOUT REGARDING THE QUESTIONS THAT I'VE ASKED YOU REGARDING MR. PHELPS AND THE, BOTH PHELPS, STEVEN AND BRADLEY?

MT: I CAN'T THINK OF ANYTHING. I'LL PROBABLY THINK OF SOMETHING WHEN I GET OUT OF HERE, BUT I CAN'T THINK OF ANYTHING RIGHT NOW.

KG: UMKAY. THIS IS GONNA BE THE END OF THIS STATEMENT. TIME IS 2:32 P.M.

MCR152

THE CITY OF DOTHAN MUNICIPAL COURT

3/03/05

Wrnt/Case Mode: INQUIRY

NAME FILE MAINTENANCE

11:03:11

Name Mode: INQUIRY

Seq. No.: 102465

Juv/Youth: ..

NAME: (last) PHELPS

(first) BRADLEY

(middle) THOMAS

A.K.A.:

1204 PROVIDENCE

RD

Str# Dir Street Name

Sfx Modifier

1204 PROVIDENCE RD

Phone:

SLOCOMB

AL 36375

Prev Addr?

(. /Y.)

Sex M Race W Ht 5 ft 9 in Wt 140 Eyes GRN Hair BRN Birth 12/07/1985

Drivers License: St AL No. 7263105

Type P (P/C) SSN

Employer:

Address:

Str# Dir Street Name

Sfx Modifier

.....

Phone:

Remarks:

F3=Exit F12=prev screen F4=Image F9=Balance Inq

Enter=Continue
F21=Jail

MCR154

THE CITY OF DOTHAN MUNICIPAL COURT

3/03/05

MODE: INQUIRY

CASE FILE MAINTENANCE

11:03:19

Defendant: PHELPS

BRADLEY, THOMAS

RMV:

Case No.: TR 03 004390

Original PDCN:

EST. INFORMATION Type: (/AW/AP/OB)

Date: 4/14/2003

Time: 16:19 Chg: TR SPE

PDCN: 0103003609 T

(?), SPEEDING (UNAGGRAVATED)

Ofcr(?): 339 WESTBERRY

A

Warrant:

Ticket: M5532102

Appear: (/Y)

Speed/Posted: 51 / 30

Drug/Alc: (D/A/C)

Released: 4/14/2003

Recog: Y (/Y)

Veh. Tag: 38D102Z

St: AL Yr: 2003

Accident: (/Y)

DUI Test(?): Res: .00

Bond Co(?): Bond: .00

Veh. Descr: 94 CHEV CAMARO

ARRAIGNMENT/APPEARANCE INFORMATION

Cat: TA Date/Time: 11/18/2003 10:00:00

Plea(?): Original: 6/03/2003

TRIAL INFORMATION

Cat: Date/Time:

Plea(?): Original: 9/16/2003

Attny(?): KSL LANE, KALIA SPEARS

Notes:

DISPOSITION INFORMATION

Disp(?): Chg(?): SPE Y/O: (/J/Y), DPS: Closed: (/Y)

FAILURE TO APPEAR INFORMATION

FTA(?): 6A AW Bond: .00 AW: .00

FFDate: FF Due: .00 FF\$: .00

6A: 10/28/2003

F3=Exit F12=Prev Scr

F13=History

F5=Notes

F4=Image

F16=Witnesses

F15=Orders

F21=Jail

F17=Sureties

F22=Sentence

F3=Exit **F12=Prev Screen**

Orders of the Court

CASE NO.: TR 03 004390

DEFENDANT: PHELPS BRADLEY THOMAS
NO ORDERS EXIST FOR THIS CASE

<u>ORDER CODE</u>	<u>ORDER DESCRIPTION</u>	<u>CASE SUFFIX NO.</u>	<u>REQUIRED DATE</u>
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F3=Exit

F12=Prev Screen

Case 1:05-cv-01172-MEF-TFM Document 72-119 Filed 11/16/2007 Page 31 of 42
 TKPRC4D CITY OF DOTHAN MUNICIPAL COURT 3/03/05 MNCE18C
 DOCKET SEARCH 11:04:04 LSMCCLAIN
 CITY DO COURT MC CASE TYPE IN SUB-TYPE TR CONVERTED TRAFFIC CASES.
 Case # 03-0004390-001 Status CL Ticket# M 5532102 Judge EVANS-GORDON
 Party Name PHELPS, BRADLEY THOMAS Prty Status CL Type DF

SELECT RECORD TO UPDATE		Judge	Date	Time	Disp	For	Entry
S#	Dt Filed Event Description					All	Person
1	12/17/04 CASE NOTES	JRG	3/02/05	13:00		*	MWOODS
2	12/15/04 CHANGE ATTORNEY					*	LSMCCLAIN
3	12/15/04 CHANGE ATTORNEY					*	LSMCCLAIN
4	12/15/04 TRAFFIC TRIAL					*	LSMCCLAIN
5	12/15/04 TRAFFIC TRIAL		3/02/05	13:00	CCT	*	LSMCCLAI +

F12=Cancel
 F8=View Printed Docket F10=Add Record

F9=Event/Groups

F15=Review Docket Verbiage

F13=Parties F14=Charges F16=Others F18=Ticklers
 F3=Exit F10=Add Record F12=Previous

Case 1:05-cv-01172-MEF-TFM Document 72-119 Filed 11/16/2007 Page 32 of 42
 CITY OF DOTHAN MUNICIPAL COURT 3/03/05 MNCE18C
 DOCKET SEARCH 11:04:04 LSMCCLAIN
 CITY DO COURT MC CASE TYPE IN SUB-TYPE TR CONVERTED TRAFFIC CASES
 Case # 03-0004390-001 Status CL Ticket# M 5532102 Judge EVANS-GORDON
 Party Name PHELPS, BRADLEY THOMAS Prty Status CL Type DF

DOCKET RECORD		TO UPDATE		Judge	Date	Time	Disp	For	Entry
S#	Dt Filed	Event Description						All	Person
6	10/11/04	TRAFFIC TRIAL	JRG	12/15/04	13:00	CCT	*	LSMCCLAIN	
7	9/29/04	SURETY					*	MLBRYAN	
8	9/29/04	ARRAIGNMENT - CAS	JRG	10/11/04	9:00	NG	*	LSMCCLAIN	
9	9/28/04	FTA REPORTED TO DPS				FT1		DPSFTA	
10	9/11/04	ALIAS WARRANT SERVED				AWS		NMARTIN +	
							F9=Event/Groups		
							F15=Review Docket Verbiage		
F8=View Printed Docket		F10=Add Record							

F13=Parties F14=Charges F16=Others F18=Ticklers
 F3=Exit F10=Add Record F12=Previous

Case 1:05-cv-01172-MEF-TFM Document 72-119 Filed 11/16/2007 Page 33 of 42
 TKPRC4D CITY OF DOTHAN MUNICIPAL COURT 3/03/05 MNCE18C
 DOCKET SEARCH 11:04:04 LSMCCLAIN
 CITY DO COURT MC CASE TYPE IN SUB-TYPE TR CONVERTED TRAFFIC CASES
 Case # 03-0004390-001 Status CL Ticket# M 5532102 Judge EVANS-GORDON
 Party Name PHELPS, BRADLEY THOMAS Prty Status CL Type DF

SELECT RECORD		TO UPDATE	Judge	Date	Time	Disp	For	Entry
S#	Dt Filed	Event Description					All	Person
11	7/27/04	SUSPENSION NOTICE						MEKNIGHT
12	7/27/04	SEND AWI TO POLICE						MEKNIGHT
13	7/27/04	FAILURE TO APPEAR				AWS		MEKNIGHT
14	7/16/04	TRAFFIC ARRAIGNMENT	JRG	7/27/04	9:00	6B2	*	MEKNIGHT
15	4/20/04	TRAFFIC ARRAIGNMENT	JRG	7/13/04	9:00	6A2	*	MEKNIGHT +

F12=Cancel

F8=View Printed Docket F10=Add Record

F9=Event/Groups

F15=Review Docket Verbiage

F13=Parties F14=Charges F16=Others
 F3=Exit F10=Add Record

F18=Ticklers F12=Previous

TKPRC4D

CITY OF DOTHAN MUNICIPAL COURT

3/03/05 MNCE18C

DOCKET SEARCH

11:04:04 LSMCCLAIN

CITY DO COURT MC CASE TYPE IN SUB-TYPE TR CONVERTED TRAFFIC CASES
 Case # 03-0004390-001 Status CL Ticket# M 5532102 Judge EVANS-GORDON
 Party Name PHELPS, BRADLEY THOMAS Prty Status CL Type DF

SELECT RECORD		TO UPDATE		Judge	Date	Time	Disp	For	Entry
S#	Dt Filed	Event Description						All	Person
16	11/02/03	*CONV CASE*		JRG	11/18/03	10:00	G	..	HTE
17	11/02/03	TRAFFIC ARRAIGNMENT		JRG	10/28/03	10:00	CCT	..	LSMCCLAIN
18	10/28/03	TRAFFIC ARRAIGNMENT						..	MEKNIGHT

F12=Cancel
 F8=View Printed Docket F10=Add Record

F9=Event/Groups
 F15=Review Docket Verbiage

F13=Parties F14=Charges F16=Others
 F3=Exit

F18=Ticklers
 F10=Add Record

F12=Previous

Case 1:05-cv-01172-MEF-TFM Document 72-119 Filed 11/16/2007 Page 35 of 42
 TKPRC4D CITY OF DOTHAN MUNICIPAL COURT 3/03/05 MNCE18C
 DOCKET SEARCH 11:16:08 LSMCCLAIN
 CITY DO COURT MC CASE TYPE IN SUB-TYPE TR CONVERTED TRAFFIC CASES
 Case # 03-0004390-001 Status CL Ticket# M 5532102 Judge EVANS-GORDON
 Party Name PHELPS, BRADLEY THOMAS Prty Status CL Type DF

SELECT RECORD TO UPDATE		Judge	Date	Time	Disp	For All	Entry Person
S#	Dt Filed Event Description						
1	12/17/04 CASE NOTES					*	MWOODS
2	12/15/04 CHANGE ATTORNEY					*	LSMCCLAIN
3	12/15/04 CHANGE ATTORNEY					*	LSMCCLAIN
4	12/15/04 TRAFFIC TRIAL	JRG	3/02/05	13:00		*	LSMCCLAIN
5	12/15/04 TRAFFIC TRIAL		3/02/05	13:00	CCT	*	LSMCCLAI +

F12=Cancel
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F9=Event/Groups
 F15=Review Docket Verbiage

F13=Parties F14=Charges F16=Others F18=Ticklers
 F3=Exit F10=Add Record F12=Previous

TKPRC4D

CITY OF DOTHAN MUNICIPAL COURT
DOCKET SEARCH

3/03/05 MNCE18B

11:17:22 LSMCCLAIN

CITY DO COURT MC CASE TYPE IN SUB-TYPE TR CONVERTED TRAFFIC CASES
Case # 03-0004390-001 Status CL Ticket# M 5532102 Judge EVANS-GORDON
Party Name PHELPS, BRADLEY THOMAS Prty Status CL Type DF

SELECT RECORD		TO UPDATE		Judge	Date	Time	Disp	For All	Entry Person
S#	Dt Filed	Event Description							
6	10/11/04	TRAFFIC TRIAL		JRG	12/15/04	13:00	CCT	*	LSMCCLAIN
7	9/29/04	SURETY						*	MLBRYAN
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9	9/28/04	FTA REPORTED TO DPS					FT1		DPSFTA
10	9/11/04	ALIAS WARRANT SERVED					AWS		NMARTIN +

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F10=Add Record

F12=Previous

Case 1:05-cv-01172-MEF-TFM Document 72-119 Filed 11/16/2007 Page 37 of 42
 TKPRC4D CITY OF DOTHAN MUNICIPAL COURT 3/03/05 MNCE18B
 DOCKET SEARCH 11:17:22 LSMCCLAIN
 CITY DO COURT MC CASE TYPE IN SUB-TYPE TR CONVERTED TRAFFIC CASES
 Case # 03-0004390-001 Status CL Ticket# M 5532102 Judge EVANS-GORDON
 Party Name PHELPS, BRADLEY THOMAS Prty Status CL Type DF

SELECT RECORD		TO UPDATE		Judge	Date	Time	Disp	For All	Entry Person
S#	Dt Filed	Event Description							
11	7/27/04	SUSPENSION NOTICE							MEKNIGHT
12	7/27/04	SEND AWI TO POLICE							MEKNIGHT
13	7/27/04	FAILURE TO APPEAR					AWS		MEKNIGHT
14	7/16/04	TRAFFIC ARRAIGNMENT	JRG	7/27/04	9:00	6B2	*	MEKNIGHT	
15	4/20/04	TRAFFIC ARRAIGNMENT	JRG	7/13/04	9:00	6A2	*	MEKNIGHT +	

F12=Cancel
 F8=View Printed Docket F10=Add Record F9=Event/Groups
 F15=Review Docket Verbiage

F13=Parties F14=Charges F16=Others F18=Ticklers
 F3=Exit F10=Add Record F12=Previous

Case 1:05-cv-01172-MEF-TFM Document 72-119 Filed 11/16/2007 Page 38 of 42
TKPRC4D CITY OF DOTHAN MUNICIPAL COURT 3/03/05 MNCE18C
DOCKET SEARCH 11:15:24 LSMCCLAIN
CITY DO COURT MC CASE TYPE IN SUB-TYPE TR CONVERTED TRAFFIC CASES
Case # 03-0004390-001 Status CL Ticket# M 5532102 Judge EVANS-GORDON
Party Name PHELPS, BRADLEY THOMAS Prty Status CL Type DF

S#	Dt Filed	Event Description	Judge	Date	Time	Disp	For All	Entry Person
1	12/17/04	CASE NOTES					*	MWOODS
2	12/15/04	CHANGE ATTORNEY					*	LSMCCLAIN
3	12/15/04	CHANGE ATTORNEY					*	LSMCCLAIN
4	12/15/04	TRAFFIC TRIAL	JRG	3/02/05	13:00		*	LSMCCLAIN
5	12/15/04	TRAFFIC TRIAL		3/02/05	13:00	CCT	*	LSMCCLAI +

TKPRC4M

Case Notes rcvd entry of appearance from atty thomas
smith

led 12/17/04

More...

F9=Word Wrap
Enter=Continue

PageUp/PageDown
F3=Exit

F20=18 Line View
F12=Previous

rs

TKPRC4J

F12=Previous

Name **PHELPS** **BRADLEY** **THOMAS** Birth Date **12/07/85**, Age **19**

Enter CHARGE Selection For CASE Inquiry . . .

Total Due All Charges **112.50**

Total Due CL Charges **112.50** CHG

CASE TYPE	CHARGE DESCRIPTION	DSPO	TYP	DATE	CITATION OR CASE#	BALANCE DUE FOR CHARGE	ST
DO MC IN TR	SPEEDING(UNAGGRAV-O		TR	4/14/03	M 5532102	.00	CL
2 DO MC IN TR	MUNI CRT CST TRAFFI		A	4/14/03	M 5532102	112.50	CL

F3=Exit

Bottom
F12=Previous

Case 1:05-cv-01172-MEF Document 72-119 Filed 11/16/2007 Page 40 of 42
CITY DO COURT MC CASE TYPE IN SUB-TYPE TR CONVERTED TRAFFIC CASES...
Case # 03-0004390-001 Status CL Judge EVANS-GORDON ROSE
Party Name PHELPS, BRADLEY THOMAS Prty Status CL Type DF
*DSINQCS..... # of Active Defendants .. 0

Filing Agency DOTH CITY OF DOTHAN
Booking Agency # 0103003609T

SMITH, THOMAS, JR S

Num ATSS ..

Num

1st Plaintiff Attorney

Date Filed 4/14/03 Date Closed 12/15/04 Date Reopened 0/00/00

Judgement Amt 00 Disposition CLP

Days Pending .. 0

Date of Last Docket 9/28/04 FTA REPORTED TO DPS

TOTAL CASE MONEY, - all Parties OFF LINE STORAGE LOCATION

Paid to Court

Trust Money 300.00

Balance Due 112.50

F13=Parties F14=Charges F16=Others F17=Dockets F18=Ticklers

Enter/Forward F3=Exit

F12=Previous

* previous

CITY DO COURT MC CASE TYPE IN SUB-TYPE TR CONVERTED TRAFFIC CASES
 Case # 03-0004390-001 Status CL Judge EVANS-GORDON ROSE
 Party Name PHELPS, BRADLEY THOMAS Prty Status CL Type DF
 SELECT RECORD: Person Party
 1. LANE, KALIA SPEARS, Type ATT Party # 000 Date 12/15/04 IA
 2. LANE, KALIA SPEARS, Type ATT 000 12/15/04 IA
 3. WESTBERRY, ANTHONY Type POL 001 11/02/03 OT

F13=Parties F14=Charges
 F3=Exit F8=Jail, Inq..

F17=Dockets F18=Ticklers

Bottom

F12=Previous

CITY DO COURT MC CASE TYPE IN SUB-TYPE TR CONVERTED TRAFFIC CASES...
 Case # 03-0004390-001 Status CL Judge EVANS-GORDON ROSE
 Party Name PHELPS, BRADLEY THOMAS Prty Status CL Type DF

: CONVERTED TRAFFIC CASES STATUS: CLOSED 12/15/04
 ----- JUDGE -----
 CURRENT: EVANS-GORDON, ROSE ----- ATTORNEYS -----
 001: NO PLAINTIFF ON FILE
 VS.
 DF 001: PHELPS, BRADLEY THOMAS SMITH, THOMAS, JR S.
 DOB: 12/07/85
 CHARGE 1: TR SPEEDING (UNAGGRAV-OJ AL TRSPE@9999
 ASSMNT 2: A MUNI CRT CST TRAFFIC ASSMT 19 MUNI CT CST TR
 TOTAL DUE: 112.50
 BALANCE DUE: 112.50

MAJOR EVENTS

12/15/04 DATE CLOSED DISPOSITION: CLOSED W/PENDING ORD

More...

F13=Parties F14=Charges F16=Others F17=Dockets F18=Ticklers F19=Open in Word
 F3=Exit F7=Print Docket F12=Previous